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#### NOTICE

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- Book 3: Titles 10-17, with index.
- Book 4: Titles 18-25, with index.
- Book 5, Part 1: Title 26, Parts 2-178.
- Book 5, Part 2: Title 26, completed; Title 27; with index.
- Book 6: Titles 28-32, with index.

#### CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued.	Page
Shingles, Western softwood (RMPR 164)	12618
Tree nuts, edible (RMPR 490)	12614
Virgin Islands, tire rationing (Rev. RO 1C, Am. 2)	12613
 SECURITIES AND EXCHANGE COMMISSION:	
Financial statements; amendment to regulation governing form and content	12610
Hearings, etc.: American Light & Traction Co., et al	12626
Northern Indiana Public Service Co.	12626

#### CONTENTS—Continued

SOLID FUELS ADMINISTRATION FOR WAR:	Page
Domestic coal, prepared sizes; direction to persons shipping	12611
 WAR FOOD ADMINISTRATION:	
Agricultural labor, salaries and wages (Corr.)	12611
Cotton, storage restrictions (WFO 117)	12607
Peanuts; purchase, sale and use (WFO 100, Am. 2)	12609
Tallow or grease, inedible; suspension of inventory provisions (WFO 67, Partial Suspension)	12607
 WAR PRODUCTION BOARD:	
Equipment and machinery, used; delegation of authority to Office of Price Administration (Dir. 35, Rev.)	12611
Inventory restriction exceptions (M-161)	12611
Meters, domestic watthour (L-151, Am. 1)	12612
Plumbing fixtures (L-42, Sch. XII)	12612
Rope making and cord braiding machines, operations (M-317B, Dir. 1)	12613
 WAR RELIEF CONTROL BOARD:	
Relief and welfare, solicitation and collection of funds:	
Miscellaneous amendments	12621
Relations with Government agencies	12621

length of time such restricted cotton may be stored at the requested place of storage.

(d) *Records and reports.* The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order.

(e) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records, and other writings, premises or stocks of cotton of any person, and to make such investigations, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order.

(f) *Contracts.* The restrictions of this order shall be observed without regard to contracts heretofore or hereafter entered into, or any rights accrued or payments made thereunder.

(g) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Such petition shall be addressed to Order Administrator, War Food Order No. 117, Commodity Credit Corporation, War Food Administration, Washington 25,

D. C. Petitions for such relief shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Director. If the petitioner is dissatisfied with the action taken by the Order Administrator on the petition, he shall obtain, by requesting the Order Administrator therefor, a review of such action by the Director. The Director may, after said review, take such action as he deems appropriate, and such action shall be final. The provisions of this paragraph (g) shall not be construed to deprive the Director of authority to consider originally any petition for relief from hardship submitted in accordance herewith. The Director may consider any such petition and take such action with reference thereto that he deems appropriate, and such action shall be final.

(h) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from using any cotton storage facilities. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(i) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order; and one such employee shall be designated by the Director to serve as Order Administrator.

(j) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise provided herein or in instructions issued by the Director, be addressed to the Order Administrator, War Food Order No. 117, Commodity Credit Corporation, War Food Administration, Washington 25, D. C.

(k) *Effective date.* This order shall become effective at 12:01 a. m. e. w. t., October 18, 1944.

*Note:* All specific reporting and record-keeping requirements issued by the Director pursuant to this order will be subject to the approval of Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 17th day of October 1944.

MARVIN JONES,  
War Food Administrator.

[F. R. Doc. 44-16055; Filed, Oct. 17, 1944;  
3:46 p. m.]

**Chapter XII—War Food Administration  
(Commodity Credit Orders)**

[WFO 100, Amdt. 2]

**PART 1600—OILSEEDS**

**PURCHASE, SALE AND USE OF PEANUTS OF THE  
1944 CROP**

Paragraphs (e), (f), (g), (h), (i), (j), (k) and (l), § 1600.8, of War Food Order No. 100 (9 F.R. 4974) are hereby redesignated, respectively, as paragraphs (f), (g), (h), (i), (j), (k), (l) and (m), and such order is hereby amended by inserting therein the following new paragraph (e):

(e) *Restrictions upon the disposition and use of Virginia type shelled peanuts.* The President of the Corporation may impose such restrictions and conditions upon the disposition and use of Virginia type shelled peanuts as he shall deem necessary and appropriate to assure the fulfillment of the requirements of the Armed Forces of the United States for such peanuts.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 176; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 17th day of October 1944.

ASHLEY SELLERS,  
Assistant War Food Administrator.

[F. R. Doc. 44-16075; Filed, Oct. 18, 1944;  
11:09 a. m.]

**TITLE 16—COMMERCIAL PRACTICES**

**Chapter I—Federal Trade Commission**

[Docket No. 4877]

**PART 3—DIGEST OF CEASE AND DESIST  
ORDERS**

**NATIONAL COMMITTEE FOR EDUCATION, ET AL.**

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Connections or arrangements with others:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—History:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Individual or private business as religious, educational or research institution or organization:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Indorsement, generally:* § 3.6 (k5) *Advertising falsely or misleadingly—Individual's special selection or situation:* § 3.6 (l) *Advertising falsely or misleadingly—Indorsements, approval and testimonials:* § 3.6 (r) *Advertising falsely or misleadingly—Prices—Exaggerated as regular and customary:* § 3.18 *Claiming inducements or testimonials falsely:* § 3.72 (f20) *Offering deceptive inducements to purchase or deal—Individual's special selection or situation:* § 3.96 (b) *Using misleading name—Vendor—Individual or private business being educational, religious or research institution or organization.* In connection with offer, etc., in commerce,

of reference books, encyclopedias, and other publications, and among other things, as in order set forth, (1) using the words "National Committee for Education" or any other words of similar import or meaning in respondent's trade name, or representing through any other means or device or in any manner that respondent's business is operated, endorsed, or sponsored by a group of teachers, or educators or that such groups or individuals cooperate in the conduct of his business or endorse or sponsor the publications sold or distributed by him; (2) representing directly or by implication that any publication sold or distributed by the respondent is available only to members of a particular group or organization at especially low prices; or (3) representing as a customary or regular price or value of any of respondent's publications, any price or value which is in fact in excess of the price at which said publication is customarily offered for sale and sold in normal and usual course of business; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, National Committee for Education, et al. Docket 4877, September 13, 1944]

§ 3.6 (i) *Advertising falsely or misleadingly—Free goods or service:* § 3.6 (n) *Advertising falsely or misleading—Nature—Product:* § 3.6 (y10) *Advertising falsely or misleadingly—Scientific or other relevant facts:* § 3.6 (dd) *Advertising falsely or misleadingly—Special or limited offers:* § 3.6 (dd10) *Advertising falsely or misleadingly—Success, use or standing:* § 3.72 (e) *Offering deceptive inducements to purchase or deal—Free goods:* § 3.72 (g10) *Offering deceptive inducements to purchase or deal—Limited offers or supply:* § 3.72 (n10) *Offering deceptive inducements to purchase or deal—Terms and conditions.* In connection with offer, etc., in commerce of reference books, encyclopedias, and other publications, and among other things, as in order set forth, (1) representing that purchasers of respondent's publications become members of any book club or any other organization and are thereby entitled to receive literature or publications expressly compiled for such members; (2) representing that any person may secure the first volume of any set of books offered for sale without cost or other obligation, or that the supply of said books is limited; (3) representing that the Standard American Encyclopedia contains complete and unabridged information on all subjects or is one of the most important sets of books ever written; or (4) representing that any person having received the first volume of any set of books is legally obligated to accept and pay for any succeeding volume or volumes which may be sent him by respondent Frank J. Marks, unless such person notifies said respondent within any designated period of time that no succeeding volumes are desired; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, National Committee for Education, et al. Docket 4877, September 13, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of September, A. D., 1944.

*In the Matter of Frank J. Marks, Trading as National Committee for Education, Individually and as President and Treasurer of Book-A-Week Club, Inc., a Corporation, and Book-A-Week Club, Inc., a Corporation*

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents, and a stipulation as to the facts entered into upon the record, which stipulation provides, among other things, that the Commission may proceed upon the facts as stipulated without further evidence (the report of the trial examiner, briefs of counsel, and oral argument being expressly waived); and the Commission having made its findings as to the facts and conclusion that the respondent Frank J. Marks has violated the provisions of the Federal Trade Commission Act;

*It is ordered, That the respondent Frank J. Marks, his representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution of reference books, encyclopedias, and other publications in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:*

1. The use of the words "National Committee for Education" or any other words of similar import or meaning in respondent's trade name, or representing through any other means or device or in any manner that respondent's business is operated, endorsed, or sponsored by a group of teachers or educators or that such groups or individuals cooperate in the conduct of his business or endorse or sponsor the publications sold or distributed by him.

2. Representing directly or by implication that any publication sold or distributed by the respondent is available only to members of a particular group or organization at especially low prices.

3. Representing as a customary or regular price or value of any of respondent's publications, any price or value which is in fact in excess of the price at which said publication is customarily offered for sale and sold in normal and usual course of business.

4. Representing that purchasers of respondent's publications become members of any book club or any other organization and are thereby entitled to receive literature or publications expressly compiled for such members.

5. Representing that any person may secure the first volume of any set of books offered for sale without cost or other obligation, or that the supply of said books is limited.

6. Representing that the Standard American Encyclopedia contains complete and unabridged information on all subjects or is one of the most important sets of books ever written.

7. Representing that any person having received the first volume of any set

of books is legally obligated to accept and pay for any succeeding volume or volumes which may be sent him by respondent Frank J. Marks, unless such person notifies said respondent within any designated period of time that no succeeding volumes are desired.

*It is further ordered,* That respondent Frank J. Marks shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

*It is further ordered,* That this proceeding be, and the same hereby is, dismissed as to said respondent Book-A-Week Club, Inc.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 44-16068; Filed, Oct. 18, 1944;  
10:45 a. m.]

[Docket No. 5083]

#### PART 3—DIGEST OF CEASE AND DESIST ORDERS

##### DAVENPORT CANDYCRAFTS

§ 3.99 (b) *Using or selling lottery devices—in merchandising.* In connection with offer, etc., in commerce, of candy or any other merchandise, (1) selling, etc., candy or any merchandise so packed and assembled that sales of such candy or other merchandise to the public are to be made or, due to the manner in which such candy or other merchandise is packed and assembled at the time it is sold by respondents, may be made by means of a game of chance, gift enterprise, or lottery scheme; (2) supplying, etc., others with punch boards, push or pull cards, or other lottery devices, either with assortments of candy or other merchandise or separately, which said punch boards, push or pull cards, or other lottery devices are to be used, or may be used, in selling or distributing such candy or other merchandise to the public; or (3) selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Davenport Candycrafts, Docket 5083, September 14, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of September, A. D. 1944.

*In the Matter of Newton E. Wentz and Fritz O. Lee, individually and doing business as Davenport Candycrafts*

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents, in which answer respondents admitted all the material allegations of fact set forth in said complaint and waived all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion

that said respondents have violated the provisions of the Federal Trade Commission Act:

*It is ordered,* That the respondents Newton E. Wentz and Fritz O. Lee, jointly or severally trading under the name of Davenport Candycrafts, or under any other name, their representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of candy or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Selling or distributing candy or any merchandise so packed and assembled that sales of such candy or other merchandise to the public are to be made or, due to the manner in which such candy or other merchandise is packed and assembled at the time it is sold by respondents, may be made by means of a game of chance, gift enterprise, or lottery scheme.

2. Supplying to or placing in the hands of others punch boards, push or pull cards, or other lottery devices, either with assortments of candy or other merchandise or separately, which said punch boards, push or pull cards, or other lottery devices are to be used, or may be used, in selling or distributing such candy or other merchandise to the public.

3. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

*It is further ordered,* That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 44-16067; Filed, Oct. 18, 1944;  
10:44 a. m.]

#### TITLE 17—COMMODITY AND SECURITIES EXCHANGES

##### Chapter II—Securities and Exchange Commission

###### PART 210—REGULATION S-X UNDER SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, AND INVESTMENT COMPANY ACT OF 1940

###### FORM AND CONTENT OF FINANCIAL STATEMENTS

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, particularly sections 7 and 19 (a) thereof, the Securities Exchange Act of 1934, particularly sections 12, 13, 15 (d) and 23 (a) thereof; and the Investment Company Act of 1940, particularly sections 8, 30 and 38 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for

the execution of the functions vested in it by the said Acts, hereby amends § 210.1-01 (a), (c) and (d) (Rule 1-01 of Regulation S-X) to read as follows:

###### § 210.1-01 Application of Regulation S-X. \* \* \*

(a) Registration statements under the Securities Act of 1933, filed on Form A-2, C-1, S-1, S-2, S-3, S-4, S-5 or S-6, except as otherwise specifically provided in such forms;

\* \* \* \* \*

(c) Supplemental or periodic reports under section 13 of the Securities Exchange Act of 1934, filed on Form 10-K, 11-K, 13-K, 14-K, 24-K or U5-K;

(d) Supplemental or periodic reports under section 15 (d) of the Securities Exchange Act of 1934, filed on Form 1-MD, 2ZMD, 4-MD, or U5-MD; and,

Effective October 18, 1944.

By the Commission.

[SEAL] ORVAL L. DUBois,  
Secretary.

[F. R. Doc. 44-16079; Filed, Oct. 18, 1944;  
11:11 a. m.]

#### TITLE 29—LABOR

##### Chapter VI—National War Labor Board

###### PART 802—RULES OF PROCEDURE

###### DIRECTIVE ORDERS IN DISPUTE CASES

Sections 802.37 (b) (4), and 802.57 (b) (2) have been amended to read as follows:

§ 802.37 Stay of order or ruling of an agent of the Board. \* \* \*

(b) Directive orders in dispute cases. \* \* \*

(4) If only a part of the order is sought to be reviewed, any party may petition the agent of the Board which issued the order to make the rest of the order immediately effective according to its terms. The parties may in any case mutually agree upon the date when the order, or any part thereof, shall take effect, except that where a wage or salary adjustment is made subject to the approval of the Economic Stabilization Director, the parties may not by their agreement make such adjustment effective prior to the date of such approval.

§ 802.57 Authority of Regional War Labor Boards. \* \* \*

(b) Directive orders in dispute cases. \* \* \*

(2) If after the issuance of a directive order no timely petition for review is filed within the period provided in paragraph (c) below, and if the National War Labor Board within such a period does not review the order on its own motion, the order shall on the day following the last day for filing such a petition stand confirmed as the order of the National War Labor Board and shall immediately be effective according to its terms; *Provided*, That the National War Labor Board may at any time prior to the expiration of the time for the filing of a petition for review make such an order, or any part thereof, immediately

effective pending any further proceedings. If a timely petition for review of a directive order of a Regional Board is filed by a party in accordance with the provisions of paragraph (e) below, or if the National War Labor Board reviews such an order on its own motion, the entire order shall be suspended, unless and until the National War Labor Board directs, or has directed, otherwise, or unless the parties otherwise agree. However, the date of expiration of the escape period fixed in a directive order of a Regional Board granting a maintenance of membership provision shall not be affected by the filing of a petition for review of this or any other provision of the order. If only a part of the order is sought to be reviewed, any part may petition the Regional Board to make the rest of the order immediately effective according to its terms. The parties may in any case mutually agree upon the date when the order, or any part thereof, shall take effect, except that where a wage or salary adjustment is made subject to the approval of the Economic Stabilization Director, the parties may not by their agreement make such adjustment effective prior to the date of such approval. Notwithstanding any other provisions of this paragraph, that part of the directive order of a Regional Board which continues in effect the terms and conditions of a prior contract which has expired or been otherwise terminated, shall not be suspended or stayed by the filing of a petition for review, but shall be effective according to its terms, unless and until the National Board, upon consideration of a petition for review, otherwise directs.

Adopted: October 6, 1944.

(E.O. 9250, Oct. 3, 1942, 7 F.R. 7871; as amended by E.O. 9381, Sept. 25, 1943, 8 F.R. 13083; E.O. 9328, April 8, 1943, 8 F.R. 4681; Regulations of Economic Stabilization Director, Oct. 27, 1942, 7 F.R. 8748, 8 F.R. 6489, 6490, 11960, 12139, 12238, 16702; Inflation Control Act of 1942, Act of Oct. 2, 1942, C 578, 56 Stat. 765, Pub. Law 729, 77th Cong.)

THEODORE W. KHEEL,  
Executive Director.

[F. R. Doc. 44-16078; Filed, Oct. 18, 1944;  
11:11 a. m.]

#### Chapter IX—War Food Administration (Agricultural Labor)

#### PART 1100—REGULATIONS RELATIVE TO SALARIES AND WAGES OF AGRICULTURAL LABOR

##### Correction

In F. R. Doc. 44-15326, appearing at page 12117 of the issue for Thursday, October 5, 1944, the last sentence of § 1100.7 should read: "Nothing in these regulations is to be taken as superseding or amending such specific wage ceiling regulations as have already been issued, and nothing in any specific wage ceiling regulation issued hereafter shall be taken to supersede or amend these regulations unless so specifically stated in the specific wage ceiling regulation."

#### TITLE 30—MINERAL RESOURCES Chapter VI—Solid Fuels Administration for War

#### PART 602—GENERAL ORDERS AND DIRECTIVES

##### DIRECTION TO ALL PERSONS SHIPPING PREPARED SIZES OF DOMESTIC COAL PRODUCED IN DISTRICT 14

In order that there will be sufficient solid fuel to meet the minimum needs of householders in St. Louis, Missouri, it is necessary to assure adequate movement of coal produced in District No. 14 to dealers in that city. It is therefore necessary, pursuant to SFAW Regulation No. 1, to issue the following direction:

1. Any person (including a producer or wholesaler) who shipped any prepared sizes of domestic coal produced in District No. 14, to one or more retail dealers located within the corporate limits of the City of St. Louis, Missouri, during the period April 1, 1943 to March 31, 1944, or during the month of September 1944, is hereby directed to ship to one or more retail dealers located within the corporate limits of the City of St. Louis, during the month of October 1944, and during each succeeding calendar month, to and including March 1945, not less than:

(a) 12 per cent of the total amount of such coal which such person shipped to retail dealers located within the corporate limits of the City of St. Louis, Missouri, during the period April 1, 1943 to March 31, 1944; or

(b) 110 per cent of the total amount of such coal which such person shipped to retail dealers located within the corporate limits of the City of St. Louis, Missouri, during the month of September 1944

whichever amount is the greater.

2. In complying with this direction, a person may consider all prepared sizes of domestic coal produced in District No. 14 as interchangeable and may ship coal produced at any mine or mines in District No. 14.

3. Shippers are hereby notified that when necessary to assure equitable distribution of coal within the corporate limits of the City of St. Louis, Missouri, the SFAW Area Distribution Manager in St. Louis will designate the retail dealers to whom shipment of the tonnage subject to this direction is to be made. Shippers shall promptly comply with all such instructions.

This direction shall become effective immediately.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176)

Issued this 17th day of October 1944.

C. J. POTTER,  
Deputy Solid Fuels  
Administrator for War.

[F. R. Doc. 44-16080; Filed, Oct. 18, 1944;  
11:10 a. m.]

#### TITLE 32—NATIONAL DEFENSE

#### Chapter VIII—Foreign Economic Administration

##### Subchapter B—Export Control

[Amdt. 242]

#### PART 804—INDIVIDUAL LICENSES REPORTS

Part 804 Individual licenses is hereby amended by adding thereto § 804.17 as follows:

§ 804.17 Reports. Any person to whom an export license (release certificate) has been issued authorizing the exportation of designated commodities to a particular consignee or consignees in a designated destination shall execute and file with the Foreign Economic Administration such reports as said Administration shall, from time to time, require, subject to the approval of the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 238, 77th Cong.; Pub. Law 397, 78th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: October 14, 1944.

S. H. LEBENSBURGER,  
Director,

Requirements and Supply Branch,  
Bureau of Supplies.

[F. R. Doc. 44-16059; Filed, Oct. 18, 1944;  
9:39 a. m.]

#### Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

#### PART 903—DELEGATIONS OF AUTHORITY

[Directive 35, Revocation]

#### DELEGATION OF AUTHORITY TO THE OFFICE OF PRICE ADMINISTRATION TO REQUIRE REPORTS OF USED EQUIPMENT AND MACHINERY ON FORM WPB-2574

Directive 35 is hereby revoked.

Issued this 18th day of October 1944.

S. W. ANDERSON,  
Program Vice Chairman.

[F. R. Doc. 44-16069; Filed, Oct. 18, 1944;  
10:53 a. m.]

#### PART 1255—INVENTORY RESTRICTION EXCEPTIONS

[General Inventory Order M-161, as Amended Oct. 18, 1944]

§ 1255.1 General Inventory Order M-161—(a) What this order does. This order excepts certain materials from inventory restrictions and from limits on the purchase of maintenance, repair, and operating supplies. The exception is made in some cases because there is no serious shortage of the material and in other cases because the material is available in quantity only in certain seasons, so that it is desirable to permit persons to buy and store it without limit.

(b) Exception to inventory restrictions. Section 944.14 of Priorities Regulation 1, which restricts inventory to a practicable working minimum, does not apply to the materials listed on Schedule A. Each of these materials is also exempted from all inventory restrictions in any other regulation or order of the War

Production Board unless they expressly mention the material.

(c) *Exemption from restrictions on maintenance, repair, and operating supplies.* The materials listed on Schedule A are not subject to any restrictions in any regulation or order of the War Production Board which limit the quantity of material received or ordered for maintenance, repair, or operating supplies during any period on the basis of the amount of such supplies purchased during a base period. A person may receive or order for delivery any quantity of listed materials without regard to these restrictions. He does not have to charge his orders for any such material against his base-period quota except to the extent that purchases of the same material were taken into account in arriving at his quota. For example, a manufacturer operating under CMP Regulation 5 is limited in his purchases of maintenance, repair, and operating supplies to the amount which he spent in the base period. A manufacturer who spent \$50,000 during the base period, including \$500 for lead, may buy any amount of lead during the current period, and may use his MRO rating for that purpose, and he need include only \$500 of the amount thus spent for lead in figuring the amount to be charged to his quota of MRO.

Issued this 18th day of October 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

SCHEDULE A

NOTE: Schedule A amended Oct. 18, 1944. This lists the materials which are exempt from all inventory limitations and from restrictions on the quantity which may be purchased for maintenance, repair or operating supplies.

Asbestos of grades included in Groups 4, 5, 6, 7, 8 and 9 (Canadian Asbestos Classification).

Borax.

Boric acid.

Domestic andalusite.

Domestic dumortierite.

Ilmenite.

Kaolin.

Phosphate rock.

Potter's flint.

Salt (sodium chloride) in bulk.

Soapstone.

Sodium sulfate (salt cake).

Stoneware clay.

Sulphur.

Vermiculite.

Waste paper.

[F. R. Doc. 44-16070; Filed, Oct. 18, 1944;  
10:53 a. m.]

PART 3288—PLUMBING AND HEATING EQUIPMENT

[Limitation Order L-42, Schedule XII, as Amended Oct. 18, 1944]

PLUMBING FIXTURES

§ 3288.24 Schedule XII to Limitation Order L-42—(a) Definitions. For the purposes of this schedule:

(1) "Producer" means any person who manufactures, processes or fabricates plumbing fixtures.

(2) "Plumbing fixture" means any bathtub, bidet, bath (foot sitz), drain pool (for a septic tank system), drain board, fountain (drinking, wash), lavatory, laundry tray with or without legs or stands, sink (except scullery sink), sink and laundry tray combination, sink leg, septic tank, water closet bowl (excluding hopper, frost proof bowl, hopper trap and chemical toilets), urinal, urinal tank, water closet tank less fittings (except pressure tank for frost proof bowl and cast iron high tank for hopper); but it does not include any plumbing fixture trim not specifically named in this schedule.

(b) *Limitations.* Pursuant to Limitation Order L-42 the following limitations are established for the manufacture of plumbing fixtures:

No metal may be used in the manufacture of plumbing fixtures except that:

(1) Any person may incorporate into any plumbing fixture the minimum quantity of metal which is required for coating, nuts, bolts, screws, clamps, rivets and other items of joining hardware, excluding chair carriers, which are necessary for the construction, assembly or installation of the plumbing fixture, provided that such use is not prohibited by any other order of the War Production Board.

(2) In addition, any person may incorporate into any of the following named plumbing fixtures the metals specified in quantities not exceeding those designated, provided that such use is not prohibited by any other order of the War Production Board:

(i) Into any non-metallic wash fountain, (a) the maximum of five pounds of copper or copper base alloy, (b) ferrous metal as required for reinforcement, trap, column, interior piping, foot rails and levers, and fixture trim.

(ii) Into any concrete laundry tray, ferrous metal as needed for reinforcement, cast-in waste fitting and legs or stands.

(iii) [Deleted Oct. 18, 1944]

(iv) [Deleted Oct. 18, 1944]

(v) Into any concrete septic tank, ferrous metal required for reinforcement only, inlet or outlet connection, internal siphon and internal siphon pipe connection;

(vi) Into any water closet bowl or urinal ferrous metal as needed for spud.

(vii) Into any legs, stands or drainboards for scullery sinks, ferrous metal as needed.

(viii) [Deleted Oct. 18, 1944]

(ix) [Deleted Oct. 18, 1944]

(x) [Deleted Oct. 18, 1944]

(3) The restrictions of this order shall not apply to the use of aluminum, lead or zinc.

(c) *General exceptions.* The restrictions of this Schedule do not apply to the production of articles or parts not available in the producers' inventory for use in ships, boats, planes, or advance bases when required by the Army, Navy, Mari-

time Commission, War Shipping Administration or Coast Guard, or by rules and regulations promulgated by the Coast Guard for merchant vessels or for use by the Veterans Administration or in chemical and research laboratories, chemical plants, abattoirs, food packing and processing plants, railroad cars, trailers, clinics, dispensaries, prisons and correctional institutions, hospitals and all buildings in a hospital group: *Provided, however,* That no monel metal shall be used in the manufacture of any trough urinal or lavatory except for shipboard use other than pleasure craft.

(d) *Special exception—(1) Production under Priorities Regulation 25.* Any person who wants to obtain increased allotments of or authorization to obtain more materials to enable him to produce greater quantities of plumbing fixtures (including a person who has obtained no allotments or has not produced any plumbing fixtures) may apply for such increased allotments as explained in Priorities Regulation 25. He may still, of course, apply for allotments of materials in accordance with the provisions of CMP Regulation 1. Any person who in manufacturing plumbing fixtures wants to use metal where not permitted by paragraph (b), or who wants to incorporate in plumbing fixtures more metal (other than copper, copper base alloy, cadmium, chromium, nickel, or monel metal) than is permitted under paragraphs (b) (1) or (b) (2) may apply for permission to do so as is explained in Priorities Regulation 25.

(e) [Deleted Apr. 12, 1944]

Issued this 18th day of October 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

INTERPRETATION 1

DISTRIBUTION OF PLUMBING FIXTURES PRODUCED  
UNDER PRIORITIES REGULATION 25

Schedule XII to Limitation Order L-42 contains no distribution restrictions affecting plumbing fixtures produced under Priorities Regulation 25. Therefore, distribution of plumbing fixtures so produced need not be confined to the channels set forth in paragraph (c) of the schedule. Distribution is, however, subject to the provisions of the Limitation Order L-79 and of all applicable regulations of the War Production Board. (Issued Sept. 30, 1944.)

[F. R. Doc. 44-16072; Filed, Oct. 18, 1944;  
10:53 a. m.]

PART 3289—RADIO AND RADAR

[General Limitation Order L-151, as Amended Sept. 1, 1944, Amdt. 1]

DOMESTIC WATTHOUR METERS

Section 3289.11 General Limitation Order L-151, as amended September 1, 1944, is hereby amended as follows:

1. In paragraph (c) (1), the word "or" occurring after the word "Commission" is deleted and a comma is substituted. The period occurring after the word "Administration" is deleted and the words "or Veterans Administration" are added.

2. In paragraph (c) (3) that part of the paragraph following the word "nearest" (occurring in the 8th line of the paragraph) is deleted, and the following is substituted: "Regional Office of the War Production Board. The locations of these Regional Offices are given on List A at the end of this order. If, however, the meters are required for export shipment, the applications should be filed with the Office of War Utilities, War Production Board, Washington 25, D. C. As a general rule, favorable consideration will be given applications for permission to purchase new domestic watthour meters only where the meters are required for the extension of service to new customers or are required for the replacement of meters destroyed in service or damaged beyond repair."

Subdivisions (i), (ii), and (iii) and the remainder of paragraph (c) are also deleted.

3. In the heading in List A—the words "Utility Inventory Control Offices" are changed to read "Regional Offices of the War Production Board", and List A is changed to read as follows:

17 Court St., Boston, Mass.  
350 Fifth Ave., New York, N. Y.  
1617 Pennsylvania Blvd., Philadelphia, Pa.  
Candler Bldg., Atlanta, Ga.  
Union Commerce Bldg., Cleveland, Ohio.  
226 West Jackson Blvd., Chicago, Ill.  
Mutual Interstate Bldg., Kansas City, Mo.  
Mercantile Bank Bldg., Dallas, Tex.  
Continental Oil Bldg., Denver, Colo.  
1355 Market St., San Francisco, Calif.  
7310 Woodward Ave., Detroit, Mich.  
Midland Bank Bldg., Minneapolis, Minn.  
White-Henry-Stewart Bldg., Seattle, Wash.

Issued this 18th day of October 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-16073; Filed, Oct. 18, 1944;  
10:53 a. m.]

#### PART 3290—TEXTILE, CLOTHING AND LEATHER

[Supp. Order M-317B, Direction 1]  
OPERATIONS OF ROPE MAKING AND CORD BRAIDING MACHINES

The following direction is issued pursuant to Supplementary Order M-317B:

(a) Each person in the business of producing cotton textiles, having in his possession or under his control rope making machines or cord braiding machines capable of producing twisted or braided cotton cordage or rope (including clothes line or sash cord)  $\frac{1}{8}$ " to  $\frac{3}{8}$ " in diameter, inclusive, shall, if he can do so without diverting labor or machinery from the production of manila, sisal, jute, istle, hemp or coir rope, in the two month period from November 1, 1944, to December 31, 1944, and in each calendar quarter thereafter, produce a minimum poundage of twisted or braided cotton cordage or rope (including clothes line or sash cord)  $\frac{1}{8}$ " to  $\frac{3}{8}$ " in diameter, inclusive, equaling the greater of either of the following:

(1) The poundage of such construction produced by such machines in the quarter of 1943, in which he produced the greatest such poundage. *Provided*, That in the period from November 1, 1944, to December 31, 1944, the poundage may be reduced by one-third.

(ii) The poundage which can be produced by operating each machine capable of producing such cordage or rope at least as many hours per week as he operates in the same plant any other cotton yarn production machinery or machines producing twisted or braided cotton cordage or rope of any other diameter.

(b) These machines shall be operated so that the twisted or braided cotton cordage or rope produced meets Federal Specification TR-571, or Quartermaster Specification J. Q. D. No. 253-A (twisted rope) or Federal Specification TC-571-A or Quartermaster Specification J. Q. D. No. 101-D (braided cordage). If any person cannot obtain orders for cordage or rope meeting these specifications or is unable to produce cordage or rope in accordance with them, he may disregard the specifications but must comply with the provisions of paragraph (a) of this direction.

(c) Sales of the twisted or braided cotton cordage or rope produced under this direction shall be made in accordance with Supplementary Order M-317R.

(d) Any person other than an integrated mill who is unable to comply with this direction due to lack of cotton yarns may apply on Form WPB-2842 for assignment of a preference rating for use in obtaining 6's or coarser cotton yarns. Any ratings assigned will so far as practical cover calendar quarterly requirements.

(e) Any person who claims that compliance with this direction would result in production for which he cannot obtain orders may file an appeal under paragraph (a) of Order M-317.

(f) This direction shall become effective November 1, 1944.

Issued this 18th day of October 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 44-16071; Filed, Oct. 18, 1944;  
10:53 a. m.]

#### Chapter XI—Office of Price Administration

##### PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 181]

##### STORAGE OF GOVERNMENT-OWNED COTTON, 1944 CROP

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

1. Section 8.2 (b) (3) is amended to read as follows:

(3) *Government-owned cotton of crops prior to August 1, 1944.* Maximum prices for storage and handling in and out of warehouse of government-owned cotton harvested prior to August 1, 1944 shall be the prices set forth in sub-paragraph (1) (i) hereof.

2. A new section 8.2 (b) (7) is added to read as follows:

(7) *Government-owned cotton of the 1944-45 crop.* Maximum prices for storage and handling services performed on and after October 17, 1944, and until July 31, 1945, on government-owned cotton

\*Copies may be obtained from the Office of Price Administration.

harvested in the crop year beginning August 1, 1944 and ending July 31, 1945 shall be:

(i) For transferring cotton from private to government ownership, no charge, unless the original receiving charge including the services of weighing, marking, tagging, and sampling was less than 41 cents per bale in which case the person selling to the government may be charged the difference between such charge and 41 cents. If the receiving charge included some storage, the value of such storage at the rate prevailing for subsequent storage shall be deducted before comparing with 41 cents.

(ii) For storage: Cotton stored in warehouses operating compress facilities, 18 cents per bale per month or fraction thereof; cotton stored in warehouses not operating compress facilities, 21 cents per bale per month or fraction thereof. From the foregoing rates shall be deducted one-half of the applicable insurance rate per \$100. per month paid under the warehouseman's insurance policy covering cotton on which the warehouseman has insured warehouse receipts outstanding, or under the standard form of fire insurance policy approved by the State in which the cotton is stored.

(iii) For re-weighing and resampling: For re-weighing, 18 cents per bale; for resampling, 18 cents per bale; For re-weighing and resampling when performed at the same time, 30 cents per bale.

(iv) The rates in cents per bale set out in this subparagraph (7) are not subject to the 17 percent emergency surcharge permitted by sub-paragraph (6).

This amendment shall become effective October 17, 1944.

Issued this 17th day of October 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-16058; Filed, Oct. 17, 1944;  
4:04 p. m.]

#### PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Rev. RO 1C,<sup>1</sup> Amdt. 2]

##### TIRE RATIONING REGULATIONS FOR THE VIRGIN ISLANDS

A rationale accompanying this amendment issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Revised Ration Order 1C is amended in the following respects:

1. Sections 2.1 to 10.2, inclusive, are amended by deleting the word "tube", "tubes", "or tube", "or tubes", "and tube", and "and tubes" wherever they appear.

2. Section 2.1 (18) is revoked.

3. Section 4.4 is amended by deleting the phrase "or new or used" immediately preceding the word "tubes".

4. Section 6.6 (m) is added to read as follows:

<sup>1</sup>9 F.R. 5156.

## FEDERAL REGISTER, Thursday, October 19, 1944

(m) Transfer, mounting and use of tubes. Any person may transfer, acquire, mount, use, alter or change the physical location of tubes, both new and used, without certificate, authorization or notice.

This amendment shall become effective as of October 1, 1944.

Issued this 18th day of October 1944.

JACOB A. ROBLES,  
Territorial Director,  
Virgin Islands.

Approved:

JAMES P. DAVIS,  
Regional Administrator,  
Region IX.

[F. R. Doc. 44-16084; Filed, Oct. 18, 1944;  
11:45 a. m.]

## PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 490]

## EDIBLE TREE NUTS

Maximum Price Regulation 490 is redesignated Revised Maximum Price Regulation 490 and is revised and amended to read as follows:

A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

REVISED MAXIMUM PRICE REGULATION 490—  
EDIBLE TREE NUTS

## ARTICLE I—MAXIMUM PRICES FOR CERTAIN KINDS OF WALNUTS, FILBERTS, ALMONDS AND PECANS

## Sec.

- Scope of this article.
- Growers', country dealers', packers', shellers', and primary distributors' maximum prices for sales of walnuts, filberts, almonds, and pecans.
- Roasters' and salters' maximum prices for sales of walnuts, filberts, almonds, and pecans.
- Wholesalers', wagon wholesalers', and retailers' maximum prices for sales of walnuts, filberts, almonds, and pecans.
- Sales of walnuts, filberts, almonds, and pecans, for which maximum prices are not provided by the preceding sections of this article.

## ARTICLE II—MAXIMUM PRICES FOR OTHER KINDS OF EDIBLE TREE NUTS

- Scope of this article.
- Maximum prices for sales of edible tree nuts other than walnuts, almonds, filberts, and pecans described in Article II.

## ARTICLE III—GENERAL PROVISIONS

- Definitions of general applicability.
- General provisions affecting prices.
- Reports which must be filed.
- Relationships to the General Maximum Price Regulation.
- Statements to be made on invoice.
- Records which seller must keep.
- Compliance with this regulation.
- Petitions for amendment.

AUTHORITY: Secs. 1 to 15 inclusive, (§ 1351.2010) issued under 56 Stat. 765; 57 Stat. 566, Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

\*Copies may be obtained from the Office of Price Administration.

## Explanation of the Regulation

The regulation covers all imported and domestic edible tree nuts, except walnuts described in Food Distribution Order 82 as "Mammoth Wilson Wonder" and "Large Specialty Grade." It does not cover coconuts or fruit pits.

Export sales are not covered by the regulation, but are covered by the Second Revised Maximum Export Price Regulation.

Purchases of edible tree nuts produced outside of Continental United States by an importer from a foreign seller are not covered by the regulation. Such purchases are also exempt from price control. However, the price which an importer or other seller may charge for imported edible tree nuts is covered by this regulation.

The regulation is applicable in the 48 states of the United States and in the District of Columbia.

## ARTICLE I—MAXIMUM PRICES FOR CERTAIN KINDS OF WALNUTS, FILBERTS, ALMONDS AND PECANS

SECTION 1. Scope of this article. (a) This article establishes maximum prices for the following kinds of walnuts, filberts, almonds and pecans produced in continental United States:

(1) Walnut, the "English" (Juglans Regia) varieties, usually grown in the western part of the United States.

(2) Filberts, the variety commercially known as "filberts" or "hazelnuts", usually grown in the northwestern part of the United States.

(3) Almonds, the species *amygdalus communis*, usually grown in the western part of the United States.

(4) Pecans, those from the species of Hickory tree "Carya Illinoensis", usually grown in the Mississippi Valley, southern and southwestern United States.

(b) As used in this Article I, the terms "walnut", "filbert", "almond", and "pecan" include only those nuts as described above. Maximum prices for imported edible tree nuts, and for other kinds of walnuts, filberts, almonds and pecans as well as for all other kinds of edible tree nuts are established by Article II.

SEC. 2. Growers', country dealers', packers', shellers', and primary distributors' maximum prices for sales of walnuts, filberts, almonds, and pecans. (a) Except for those sales exempt from the regulation and except as provided in paragraphs (b), (c) and (d) hereof, a growers', country dealers', packers', shellers' and certain primary distributors' maximum prices shall be the appropriate amounts, determined in accordance with this paragraph (a).

(1) Sales in bulk and large containers. For sales of walnuts in bulk or in containers holding more than 50 lbs. thereof in shell, or more than 5 lbs. shelled; for sales of filberts in bulk or in containers holding more than 50 lbs. thereof in shell, or more than 35 lbs. shelled; for sales of almonds in bulk or in containers holding more than 60 lbs. thereof in shell, or more than 25 lbs. shelled; and for sales of pecans in bulk or in containers holding more than 50 lbs. thereof in shell or more than 25 lbs. shelled, maximum prices shall be the appropriate amount as follows:

TABLE I

Kind of edible tree nut	Grade and size	Growers', country dealers', packers' and shellers' prices (cents per pound)				Primary distributors' prices (these prices are available only to certain primary distributors; see paragraph (d) for explanation) (cents per pound)			
		In shell		Shelled		In shell		Shelled	
		Col. 1	Col. 2	Col. 1	Col. 2	Col. 1	Col. 2	Col. 1	Col. 2
Walnuts...	1st quality large.....	31	32½	-----	-----	34½	36	-----	-----
	1st quality medium & No. 1 size.....	28½	30	-----	-----	31½	33	-----	-----
	2nd quality large.....	28½	30	-----	-----	31½	33	-----	-----
	2nd quality medium & No. 1 size.....	27	28½	-----	-----	30	31½	-----	-----
	3rd quality large.....	28½	30	-----	-----	31½	33	-----	-----
	3rd quality medium & No. 1 size.....	27	28½	-----	-----	30	31½	-----	-----
	Baby sizes, all types and qualities (except Eurekas). Eurekas, babys.....	25½	27	-----	-----	28½	30	-----	-----
	Light halves.....	26½	28	-----	-----	29½	31	-----	-----
	All kinds other than light halves.....	-----	-----	80½	82½	-----	-----	89	91
	Jumbo.....	34	35½	-----	-----	37½	39	-----	-----
Filberts....	Large (except Brixnuts). Fancy.....	31	32½	-----	-----	34	35½	-----	-----
	Baby.....	30	31½	-----	-----	33	34½	-----	-----
	Oregon No. 1 Jumbo & Large.....	29	30½	-----	-----	32	33½	-----	-----
	Oregon No. 1 medium & small.....	-----	-----	87½	89½	-----	-----	96½	98½
	Oregon broken.....	-----	-----	85½	87½	-----	-----	94	96
	U. S. No. 1, oversize.....	36½	38	-----	-----	40½	42	-----	-----
	U. S. No. 1 extra large.....	35½	37	-----	-----	39½	41	-----	-----
	U. S. No. 1 large.....	32½	34	-----	-----	36	37½	-----	-----
	U. S. No. 1 medium.....	26½	28	-----	-----	29½	31	-----	-----
	U. S. No. 1, small.....	20	21½	-----	-----	22½	24	-----	-----
Pecans....	Commercial, oversize.....	33½	35	-----	-----	37	38½	-----	-----
	Commercial, extra large.....	32½	34	-----	-----	36	37½	-----	-----
	Commercial, large.....	29½	31	-----	-----	32½	34	-----	-----
	Commercial, medium.....	23½	25	-----	-----	26	27½	-----	-----
	Commercial, small.....	20	21½	-----	-----	22½	24	-----	-----
	Orchard run, improved.....	27	28½	-----	-----	-----	-----	-----	-----
	Orchard run, seedlings.....	20	21½	-----	-----	-----	-----	-----	-----
	Halves.....	-----	-----	82½	84½	-----	-----	91	93
	Pieces.....	-----	-----	80½	82½	-----	-----	89	91
	Amber.....	-----	70	72	-----	-----	77	79	-----

(o) "Cleaned and culled" means removing dirt, hulls, twigs and other foreign material, as well as removing certain unshelled pecans from orchard run nuts to the extent that the remainder will meet the standards of U. S. No. 1 or U. S. Commercial grade, as specified, by the U. S. Department of Agriculture.

(2) *Sales in small containers.* Maxi-  
mum prices for sales of walnuts, filberts,  
almonds and pecans in size containers  
other than those for which prices are  
provided above shall be the appropriate  
prices determined according to (1) above,  
plus the applicable addition shown in the  
following table:

Cents per pound which may be added					
	Fibers		Almonds		Pecans
In shell	In shell	In shell	In shell	In shell	In shell
.....	.....	.....	.....	.....	.....

2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30

(2) The freight incurred on the item to the warehouse, if warehouse is located in Zone 1, otherwise not.  
(3) 15 % of the total of (1) and (2) above.

(c) A growers', country dealers', packers', shellers', maximum price for sales to consumers shall be his price established by paragraph (a) for a corresponding kind of sale of the same item, multiplied by 1.35.

(d) The primary distributor prices set forth in Paragraph (a) are available only to those primary distributors, who, prior to April 28, 1942, were engaged in the business of importing edible tree

(l) "Grade B—sheller run" (used with reference to almonds) means meats graded or ungraded as to size, containing either case or more than 15%, by weight, broken or split meats.

(k) "Grade C—whole and broken" (used with reference to almonds) means meats ungraded as to size, containing whole meats with not more than 30%, by weight, broken or split meats.

(l) "Grade D—pieces" (used with reference to almonds) means meats not other

Kind of edible tree nut	Grade and size	Primary distributors' prices (these prices are available only to certain primary distributors; see paragraph (d) for explanation)					
		In shell			Shelled		
		Col. 1	Col. 2	Col. 1	Col. 2	Col. 1	Col. 2
Growers', country dealers', packers', and shellers' prices (cents per pound)							
Nomparel	VARIETY						
I X		48½	50	.....	.....	53½	55
No Plus		40½	42	.....	.....	44½	46
Peerless		41	42½	.....	.....	45½	47
Drafe, Mission and Miso	Grade A whole almonds graded to the owner, lower figure included; higher figure excluded:	24	33½	.....	.....	37½	39
16-18		24	33½	.....	.....	37½	39
18-20		.....	.....	.....	.....	.....	.....
20-22		.....	.....	.....	.....	.....	.....
22-24		.....	.....	.....	.....	.....	.....
24-26		.....	.....	.....	.....	.....	.....
26-28		.....	.....	.....	.....	.....	.....
28-30		.....	.....	.....	.....	.....	.....
30 and More		.....	.....	.....	.....	.....	.....
Almonds	Grade B—Sheller run	80	82	86	88	86	88
	Grade C—Whole and broken	80	82	86	88	86	88
	Grade D—Pieces	79	81	87	89	87	89
		75	80	86	88	86	88

(1) *Explanation of Table I and terms used therein, and prices for certain varieties and forms of the edible tree nuts shown in the table.* (a) Column 1 prices are for any sale made f. o. b. shipping point. For delivered sales in which delivery is made in Zone I, the maximum price shall be the applicable Column 1 price plus the actual cost of transportation, by the cheapest, most direct, and generally available means, from shipping point to destination. Column 2 prices are for delivered sales in which delivery is made in Zone II. "Zone I" consists of all states west of the eastern boundaries of Montana, Wyoming, Colorado, New Mexico. "Zone II" consists of the remaining states of the United States and the District of Columbia.

(b) Maximum prices for extra large Wilson Wonder, Jumbo Soft Shell, Jumbo Fransquette and Jumbo Mayette varieties of walnuts shall be the applicable price shown in the table for "First Quality Large", plus 2¢ per pound.

(c) Maximum prices for shelled pecan nuts as "Large Brixnuts" shall be the applicable price shown in the table for "Large" in-shell pecans plus 1¢ per pound.

(d) Maximum prices for in-shell Schley, Burkett, and Mahan pecans shall be the applicable prices shown in the table for pecans of the corresponding grade and size, plus 4¢ per pound.

(e) Maximum prices for shelled pecan halves or 250 count to the pound or under shall be the applicable prices shown in the table plus 6¢ per pound.

TABLE I—Continued

TABLE II

Container size	Cents per pound which may be added					
	Walnuts	Filberts	Almonds	Pecans	In shell	Shelled
1/2 to 60 pounds	15	15	34	34	14	14
26 to 50 pounds	15	15	34	34	14	14
11 to 25 pounds	15	15	34	34	14	14
6 to 10 pounds	15	15	34	34	14	14
2 to 5 pounds	21	1	34	34	14	14
Smallers than 2 pounds and smaller quantities	24	24	34	34	14	14
8-ounce containers per case	34	34	34	34	14	14
16-ounce containers per case	34	34	34	34	14	14
32-ounce containers per case	34	34	34	34	14	14
64-ounce containers per package	34	34	34	34	14	14
8-ounce containers per package	34	34	34	34	14	14
16-ounce containers per package	34	34	34	34	14	14
32-ounce containers per package	34	34	34	34	14	14
64-ounce vacuum jars	34	34	34	34	14	14
128-ounce vacuum jars	34	34	34	34	14	14

(f) Maximum prices for pecans in shell which have not been bleached and polished shall be the applicable prices shown in the table less  $\frac{1}{4}$  cent per pound.

(g) Maximum prices for almonds processed as follows shall be the applicable price shown in the table plus the amount so indicated:

Cents per pound	Natural, sliced Natural, diced or halved Roasted and roasted salted Roasted, diced or ground Blanched
1/2	
2	
2	
10	

(h) "Grade and size" as applied to "walnuts" refers to the quality and size according to the pack and quality specifications described pursuant to Food Distribution Order No. 2 issued by the War Food Administration effective October 2, 1943; as applied to pecans it refers to the quality and size according to Oregon Laws of 1939, Chap. 194 for shelled nuts, and Oregon Standards for Almond kernels effective August 10, 1944 for shelled nuts; as applied to pecans it refers to grade and size according to the standards set forth in "U. S. Standards for Unshelled Walnuts", as amended, effective September 16, 1943, issued by the U. S. Department of Agriculture.

(1) "Grade A"—whole almonds graded "means whole meats assorted to size, containing not more than 15% meats the skins of which have been nicked in the course of shelling.

nuts, who are not controlled by any other seller of edible tree nuts, and who prior to April 28, 1942 customarily bought and sold the particular kind of edible tree nuts being priced. The maximum prices for sales by all other primary distributors shall be, in each case, the suppliers' maximum price for the item, adjusted where necessary to include incoming freight.

**SEC. 3. Roasters' or salters' maximum prices for sales of walnuts, filberts, almonds, and pecans.**

NOTE: Sellers pricing under this section must file reports required by section 10.

(a) A roaster's or salter's maximum price for a sale of walnuts, filberts, almonds or pecans to a purchaser of any class, shall be the "highest price charged" by him for sale of the item to a purchaser of the same class during the period October 25 to October 30, 1943, inclusive. If he cannot determine that price, his maximum price to the purchaser shall be the "total direct cost" of the item being sold, plus the difference (in dollars and cents converted to the same selling unit) between the price at which he sold during that period the most closely comparable item and the "total direct cost" of that comparable item. "Total direct cost" means the cost of ingredients, packaging material, and direct labor, not in excess of costs prevailing therefor during the period October 25 to October 30, 1943 inclusive.

**SEC. 4. Wholesalers' wagon wholesalers' and retailers' maximum prices for sales of walnuts, filberts, almonds and pecans.**

NOTE: Sellers pricing under this section must file reports required by section 10.

(a) *Wholesaler prices—(1) In-shell items.* A wholesaler's maximum price is his "net delivered cost" for the most recent delivery to him before January 5, 1944, of the item being priced multiplied by 1.15; if he has not received a delivery of the item before that date, his net delivered cost for his first delivery received on or after that date multiplied by 1.15. If the delivery upon which the "net delivered cost" was based was received from another wholesaler, his maximum price shall not exceed the first wholesaler's maximum price.

(2) *Shelled roasted or salted items.* A wholesaler's maximum price for sale of the item to a purchaser of any class is the "highest price charged" by him for sale of the item to a purchaser of the same class during the period October 25 to October 30, 1943, inclusive. If he cannot determine that price, his maximum price to the purchaser shall be his "net delivered cost" of the first delivery of the item to him after that period, plus the difference (in dollars and cents converted to the same selling unit) between the price at which he sold during that period the most closely comparable item to a purchaser of the same class and his "net delivered cost" for the purchase out of which such sale was made. If he cannot determine his maximum price by either of the foregoing methods, his maximum price for a sale of the item to the purchaser shall be the "highest price charged" during the period October 25 to October 30, inclusive, for sale of the same item to the same class of purchaser by his most closely competitive seller of the same class.

to October 30, 1943, inclusive, for the sale of the same item to the same class of purchaser by his most closely competitive seller of the same class.

(b) *Wagon wholesaler prices—(1) In-shell and shelled roasted or salted items.* A wagon wholesaler's maximum price is his "net delivered cost" for the most recent delivery to him before January 5, 1944 of the item being priced, multiplied by 1.25; or if he received no delivery before that date, the "net delivered cost" for the first delivery after that date, multiplied by that figure.

(c) *Retailer prices—(1) In-shell items.* For a retailer who customarily purchases from wholesalers or wagon wholesalers, the maximum price is the retailer's "net delivered cost" of the first delivery to him after January 5, 1944 of the item being priced, multiplied by 1.35. For a retailer who customarily purchases from persons other than wholesalers and wagon wholesalers, the maximum price is the retailer's "net delivered cost" of the most recent delivery to him before January 5, 1944, of the item being priced, multiplied by 1.35; or if he had not received a delivery before that date, his "net delivered cost" for the first delivery on or after that date multiplied by 1.35.

(2) *Shelled, roasted or salted items.* The retailer's maximum price for sale of the item to a purchaser of any class is the "highest price charged" by him for sale of the item to a purchaser of the same class during the period October 25 to October 30, 1943, inclusive. If he cannot determine that price, his maximum price to the purchaser shall be his "net delivered cost" of the first delivery of the item to him after that period, plus the difference (in dollars and cents converted to the same selling unit) between the price at which he sold during that period the most closely comparable item to a purchaser of the same class and his "net delivered cost" for the purchase out of which such sale was made. If he cannot determine his maximum price by either of the foregoing methods, his maximum price for a sale of the item to the purchaser shall be the "highest price charged" during the period October 25 to October 30, inclusive, for sale of the same item to the same class of purchaser by his most closely competitive seller of the same class.

**SEC. 5. Sales of walnuts, filberts, almonds and pecans other than those for which prices are provided for by the preceding sections of this article.**

(a) In the event of a sale of walnuts, filberts, almonds, and pecans for which no maximum price is otherwise provided under this Article I, and which is not exempt from the regulation, the seller's maximum price shall be his supplier's maximum price, adjusted where necessary to include incoming freight.

**ARTICLE II—MAXIMUM PRICES FOR OTHER KINDS OF EDIBLE TREE NUTS**

**SEC. 6. Scope of this article.** (a) This article establishes maximum prices for edible tree nuts other than those covered by Article I. Among the edible tree nuts covered by this Article II are (1) all edible tree nuts produced outside of and imported into continental U. S.; (2) all edible tree nuts other than wal-

nuts, filberts, almonds, and pecans; (3) all walnuts, filberts, almonds, and pecans which are of a different type than those described in Article I.

**SEC. 7. Maximum prices for sales of those edible tree nuts covered by this article.**

NOTE: Sellers pricing under this section must file reports required by section 10.

(a) A seller's maximum price for a sale of the item to a purchaser of any class shall be the "highest price charged" by him for sale of the item to a purchaser of the same class during the period October 25 to October 30, 1943, inclusive. If the seller cannot determine that price, his maximum price to the purchaser shall be his "net delivered cost" of the first delivery of the item to him after that period, plus the difference (in dollars and cents, converted to the same selling unit) between the price at which he sold during that period the most closely comparable item to a purchaser of the same class and his "net delivered cost" for the purchase out of which such sale was made. If the seller cannot determine his maximum price by either of the foregoing methods, his maximum price for a sale of the item to the purchaser shall be the "highest price charged" during the period October 25 to October 30, 1943, inclusive, for sale of the same item to the same class of purchaser by his most closely competitive seller of the same class.

**ARTICLE III—GENERAL PROVISIONS**

**SEC. 8. Definitions of general applicability—(a) Types of sellers.** (1) *Grower* means a person who produces the kind of edible tree nuts being priced.

(2) *Country dealer* means a person who buys in the producing area the kind of edible tree nuts being priced in their raw unshelled condition (either graded or not) for resale in substantially the same form. It includes, for example, person performing those functions commonly known as "accumulators" or "truckers".

(3) *Packer* means a person who cleans, grades, polishes, bleaches and packs the kind of in-shell edible tree nuts being priced. One or more of those operations may be performed by another as a supplement to the packer's own operations.

(4) *Sheller* means a person who performs, on the kind of edible tree nuts being priced, the following operations: cracking, separation of kernels from shells, culling out undesirable kernels, grading edible kernels and packaging. One or more of those operations may be performed by another as a supplement to the sheller's own operations.

(5) *"Roaster" or "salter"* means a person who roasts or salts the kind of edible tree nuts being priced. He may or may not blanch them.

(6) *"Primary distributor"* means a distributor (other than a grower, country dealer, packer, sheller, roaster or salter, wholesaler or retailer) who buys all he sells (for his own account) of the kind of edible tree nuts being priced, who customarily makes 50% of his purchases in carlot quantities, who stores them in a warehouse, not owned or controlled by

his supplier or by any of his customers, and who customarily sells them in less than carlot quantities.

(7) "Wholesaler" means a person (other than a grower, country dealer, packer, sheller, primary distributor, roaster or salter) who purchases the kind of edible tree nuts being priced and without materially changing their form distributes them out of warehouses primarily to independent retail stores, or to commercial, industrial or institutional users.

(8) "Wagon wholesaler" means a person who purchases the kind of edible tree nuts being priced and distributes them to retailers or to commercial, industrial or institutional users from an inventory stocked in trucks or other conveyances under the supervision of driver salesmen who make delivery at the time and place of sale.

(9) "Retailer" means a person (other than a grower, country dealer, packer, sheller, roaster, salter or primary distributor) who purchases the kind of edible tree nuts being priced and without materially changing their form, distributes them from a store primarily to consumers.

(10) "Consumer" means a person who buys the kind of edible tree nuts being priced to eat or for household use.

(b) *Miscellaneous terms.* (1) "Net delivered cost" means the amount the seller pays for the item being priced delivered to him (as represented by a purchase which is customary for him as to quantity, type of supplier, receiving point and means of transportation), less all discounts allowed him (except discount for prompt payment), but not including the expense of local trucking or unloading.

(2) "Item" means the particular kind, form (i. e. processed or unprocessed, mixed or unmixed) variety, grade, quantity, size and style of pack of edible tree nuts.

(3) "Orchard run" means nuts as gathered from the grove or orchard without having been cleaned, culled or graded, but after such hulling, washing, and drying as may be customary with respect to the particular kind of edible tree nut.

(4) "Highest price charged" means the highest price charged by a seller during the specified period for a sale made by him during that period; or if no sale was made during such period, the highest price at which he offered to make a sale for delivery during that period. No offering price may be used unless evidenced by price list or other writing.

(c) Unless the context otherwise requires, the definitions in section 302 of the Emergency Price Control Act of 1942, as amended, and § 1499.20 of the General Maximum Price Regulation apply to other terms used in this regulation.

**SEC. 9. General provisions affecting prices—(a) Maximum prices for sales of mixed nuts.** A seller's, other than a retailer's, maximum price for sales of mixed edible tree nuts shall in each case be the total of the seller's maximum prices for the separate kinds, varieties, types and

grades, in the same proportion as these kinds, varieties, types and grades bear to the total mixture, plus the direct labor involved in the mixing, figured at October 3, 1942 wage rates. A retailer's maximum prices for sales of mixed edible tree nuts mixed by him shall be figured in like manner except that the cost of labor involved in the mixing shall not be added. If edible tree nuts are mixed with peanuts, the seller's maximum prices for the resulting mixture shall (unless provided otherwise in Revised Maximum Price Regulation 335) be figured in the same manner as prices for mixed edible tree nuts are figured.

(b) *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with the action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending but only if the authorization is necessary to promote distribution and will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Price Administrator or by any official of the Office of Price Administration to whom such authority has been delegated. The authorization will be given by order.

(c) *Fractions of a cent.* If any price figured under this regulation includes a fraction of a cent, the seller shall adjust the price to the nearer fraction (like one cent, one-half cent, one-fourth cent) in which he has customarily quoted prices for the item.

(d) *Positions of brokers and commission merchants.* In accordance with existing trade customs every broker shall be deemed the agent of the seller and not the buyer. In each case the total paid by the buyer to the seller and to the broker shall not exceed the seller's maximum price, plus allowable transportation paid by the seller or broker. The term broker includes a finder, a buyer's or seller's agent or a commission merchant.

**SEC. 10. Reports which must be filed.** (a) Roasters and salters pricing under section 3; wholesalers pricing under section 4; and any seller pricing under section 7 shall report their prices (except prices for sales to consumers which need not be reported) determined under those sections to the Office of Price Administration, Washington, D. C., within 5 days after their first sale to which the maximum price applies, or on or before November 1, 1944, whichever date is the later. Neither acceptance of the report by the OPA or its failure to object to the prices reported shall be an approval of the prices reported. The report shall be by letter, signed by the seller, or his agent, and shall contain the following information:

(1) The maximum prices, the class of customers to which each applies and the section of the regulation under which they have been figured.

(2) A description of the items to which those prices apply (kind and grade of nuts, size and type of package, and if a mixture, the kinds and grades in the mixture, proportion, etc.).

(3) Whether the maximum prices are f. o. b. or delivered, and if delivered, the amount of freight cost included in them.

(4) A statement showing the seller's computation of the reported prices. If base period prices are reported, so state.

**SEC. 11. Relationship to the General Maximum Price Regulation.** The following provisions of the General Maximum Price Regulation, and any amendments thereto, shall be applicable to sales for which maximum prices are provided by this regulation:

(a) Transfer of business or stock in trade. (§ 1499.5)

(b) Federal and state taxes. (§ 1499.7)

(c) Base period records. (§ 1499.11)

(d) Sales slips and receipts. (§ 1499.14)

**SEC. 12. Statements to be made on invoice.** Sellers in sales covered by this regulation (except sales to consumers) shall in each case furnish the buyer with an invoice or other document of sale stating the quantity, kind, variety, grade, size and style of pack and selling price of the item being sold.

**SEC. 13. Records which sellers must keep.** Every person making sales subject to this regulation shall, so long as the Emergency Price Control Act of 1942, as amended, remains in effect, make and preserve for examination by the Office of Price Administration records, (such as invoices, sales tickets, cash receipts, or other written evidences of sales or delivery) showing the price he charges and receives for those sales, which records may be of the same kind which he customarily kept, if the customary records supply the information.

**SEC. 14. Compliance with this regulation—(a) No selling or buying above maximum prices.** On and after October 18, 1944, regardless of any contract or other obligation, no person shall sell or deliver and no person, in the course of trade or business, shall buy or receive any item covered by this regulation at prices higher than the maximum prices established by this regulation, and no person shall agree, offer, solicit, or attempt to do any of these things. However, prices lower than maximum prices may be charged and paid.

(b) *Evasion.* Nor shall any person evade a maximum price, directly or indirectly, whether by commission, service, transportation or other charge or discount, premium or other privilege; by tying agreement or other trade understanding; by upgrading, labeling or packaging; or in any other way.

(c) *Enforcement.* Any person violating a provision of this regulation is subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for suspension of licenses provided by the Emergency Price Control Act of 1942, as amended.

(d) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are

## FEDERAL REGISTER, Thursday, October 19, 1944

applicable to all sellers subject to this regulation, except growers. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

**Sec. 15. Petitions for amendment.** Any person seeking a general modification of this regulation may file a petition therefore in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

This regulation shall become effective October 18, 1944.

**NOTE:** The reporting and recording provisions of this regulation are approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 18th day of October 1944.

CHESTER BOWLES,  
Administrator.

Approved: October 12, 1944.

GROVER B. HILL,  
Acting War Food Administrator.

For the reasons set forth in the accompanying statement of considerations, and by virtue of the authority vested in me by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, I find that the level of maximum prices for Filberts established by the accompanying regulation is necessary to correct a gross inequity, and hereby authorize its issue.

FRED M. VINSON,  
Economic Stabilization Director.

[F. R. Doc. 44-16083; Filed, Oct. 18, 1944;  
11:44 a. m.]

PART 1381—SOFTWOOD LUMBER  
[RMPR 164]

WESTERN SOFTWOOD SHINGLES

Maximum Price Regulation No. 164, Red Cedar Shingles, is redesignated Revised Maximum Price Regulation No. 164, Western Softwood Shingles, and is revised and amended to read as set forth below:

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328. A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Such specifications and standards as are used in this regulation were, prior to such use, in general use in the industry affected, or have previously been promulgated and their use lawfully required by other government agencies.

\*Copies may be obtained from the Office of Price Administration.

REVISED MAXIMUM PRICE REGULATION 164—  
WESTERN SOFTWOOD SHINGLES

Sec.

1. Sales at higher than maximum prices prohibited.
2. Products covered.
3. Definitions.
4. Maximum Prices.
5. Delivered sales.
6. Items not specifically priced.
7. What the invoice must contain.
8. Records and reports.
9. Prohibited practices.
10. Enforcement.
11. Licensing.
12. Petitions for adjustment or amendment.
13. Adjustable pricing.

AUTHORITY: § 1381.1 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

**SECTION 1. Sales at higher than maximum prices prohibited.** (a) On any sale of Western softwood shingles, other than a sale from distribution yard stock, no person shall sell or deliver, and no person shall buy or receive in the course of trade or business, any Western softwood shingles at prices higher than the maximum prices set forth in this regulation, and no person shall agree, offer, solicit or attempt to do any of the foregoing.

(b) Prices lower than the maximum prices may, of course, be charged, demanded, paid, or offered.

**SEC. 2. Products covered.** This regulation applies to all wooden shingles produced from all species of Western softwoods covered by MPR 402,<sup>1</sup> MPR 253,<sup>2</sup> RMPR 94,<sup>3</sup> RMPR 290,<sup>4</sup> and RMPR 26.<sup>5</sup> Shingles produced from these species in a foreign country and sold in the United States are subject to this regulation.

**SEC. 3. Definitions.** When used in this regulation the terms:

(a) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successors or representative of any of the foregoing and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(b) "Western softwood shingles" means all types of shingles and accessory items made from Western softwoods covered by Maximum Price Regulation 402, Maximum Price Regulation 253, Revised Maximum Price Regulation 94, Revised Maximum Price Regulation 290 and Revised Maximum Price Regulation 26. For purposes of this regulation, the term includes all products (other than wastes) resulting from further refinement or processing of Western softwood shingles. Thus, all Western softwood shingles, shakes, hip and ridge units, et cetera, are covered whether or not those products are stained, grooved, or otherwise specially processed, and whether or not they are specifically priced in this regulation.

(c) "Square" means that number of Western softwood shingles necessary to cover 100 square feet when applied so as to expose not more than 5 inches of a 16 inch shingle, not more than 5½ inches of an 18 inch shingle, and not more than 7½ inches of a 24 inch shingle, and is commonly known as a "four-bundle", or "roofing square".

(d) "Mill" means a manufacturing plant which produces shingles directly from logs or bolts, by sawing or other methods.

(e) "Distribution yard" means a wholesale or retail lumber yard which gets lumber and shingles from mills or other yards; unloads, sorts and resells or redistributes it; which regularly maintains a varied stock of lumber from different regions; which gets its lumber, except for local species, mostly by rail and sells mostly for truck shipment; which is equipped to make quick deliveries of shingles and many different items of lumber; and which has been located at its particular site in order to be near a lumber and shingle consuming area.

(f) "Jobber" means any seller at wholesale who is neither a "mill" nor a "distribution yard" and who continuously since March 1942 has maintained a stock of Western softwood shingles and other building materials and been engaged in selling less-than-carload quantities of Western softwood shingles from stock to distribution yards, other retail outlets, or consumers.

Any person who qualifies as a jobber under this definition, except that he has not been operating as a jobber continuously since March 1942, may apply to the Lumber Branch of the Office of Price Administration, Washington 25, D. C., for authority to sell as a jobber, and may be so authorized upon submission of proof that his operation is, or will be, responsive to an actual need in his community for this type of operation.

(g) "Manufacturing jobber" means one whose operation is confined to the further processing of Western softwood shingles.

(h) "Direct-mill retail sale" means a sale by a mill of 35 squares or less directly to a buyer who purchases for his own use and not for resale in any form, and which is loaded on trucks at the mill for delivery direct to job-site.

**SEC. 4. Maximum prices.** (a) The maximum prices set forth in this paragraph (a) apply under the following rules:

1. All prices are stated per square of shingles f. o. b. car or f. o. b. truck at producing mill.

2. These prices apply irrespective of quantity, whether green or dry, and whether in mixed or straight load shipments.

3. Redwood shingles shall be graded in accordance with paragraph 167, Standard Specifications for Grades of California Redwood Lumber as revised May 1940.

4. Red Cedar No. 1 shingles shall be graded in accordance with U. S. Department of Commerce Commercial Standards C. S. 31-38; No. 2 and No. 3 in accordance with Standards and Grading Rules of the Red Cedar Shingle Bureau, as revised June 1, 1939.

5. Western softwood shingles of species other than Redwood or Red Cedar shall be graded as for Red Cedar per item 4 above.

<sup>1</sup> 8 F.R. 7662; 9 F.R. 5422.

<sup>2</sup> 7 F.R. 9230, 10848; 8 F.R. 1139, 4136, 4720, 7197, 11479; 9 F.R. 5482.

<sup>3</sup> 9 F.R. 5727.

<sup>4</sup> 9 F.R. 6634.

<sup>5</sup> 9 F.R. 1016, 3513, 4227, 7505, 9720.

## MAXIMUM PRICES F. O. B. CAR OR F. O. B. TRUCK AT MILL.

Length and thickness	Width	Grade		
		No. 1	No. 2	No. 3
16" 5/2 (XXXXX)	Random	\$4.35	\$3.50	\$2.45
	5'	5.10	4.25	3.20
	6"	5.20	4.35	3.30
18" 5/2 1/4 (Perfections)	Random	4.75	3.65	2.60
	5" or 6"	5.50	4.45	3.35
18" 5/2 (Eurekas)	Random	4.55	3.55	2.50
24" 4/2 (Royals)	Random	5.85	4.00	2.65

(b) *Jobbers' sales.* The jobber's maximum price f. o. b. his yard on less-than-carload sales of Western softwood shingles is (1) the price set out in paragraph (a), or approved under this regulation, plus (2) transportation additions figured on the Seattle, Washington carload railroad freight rate to jobber's yard, at estimated weights given in, or approved under, this regulation, plus (3) a mark-up of 10 percent on the total of (1) and (2). Sales in carload quantities carry no mark-up.

(c) *Manufacturing jobbers' sales.* The manufacturing jobber's maximum price f. o. b. his plant on less-than-carload sales of "Western softwood shingles" processed by him is the carload price approved for him by the Office of Price Administration plus 10 percent.

(d) *Direct-mill retail sales.* On direct retail sales a mark-up of 15 percent over the prices set out in paragraph (a) is permitted but only if the buyer, at the time of loading-out at the mill, furnishes the seller a written statement that the shingles are for the buyer's use and not for resale and showing also (1) the date, (2) the quantity of shingles, and (3) the location and nature of the job or use for which the shingles are intended.

The mill may make up its own form of this statement so long as it contains the information required.

The mill must keep such statement accessible for examination by any accredited representative of the Office of Price Administration, for a period of two years, or for the duration of the Emergency Price Control Act of 1942, which ever is the shorter period.

Unless the mill complies with these requirements it may not charge or receive more than the prices set out in paragraph (a) even though the sale may be a "direct-mill retail sale".

(e) *Miscellaneous rules.* (1) The maximum prices f. o. b. truck or car for a "three-bundle square" or other unit of measurement shall bear the same proportion to the maximum prices set out in paragraph (a) of this section that the coverage of such unit measure bears to the coverage of a square as defined in section 3.

(2) The maximum prices for shipments originating in Canada and delivered in the United States shall be the maximum f. o. b. truck or car prices set forth in or established under this section 4 plus the transportation additions provided in section 5. *Provided,* That such transportation additions may not exceed those which could have been added by the seller had the shipment originated at Seattle, Washington, U. S. A.

(3) When a truck haul precedes rail shipment, as when a mill located away from a railroad hauls shingles by truck to the railroad, no addition may be made for the truck haul. However, in the following two cases a mill may apply for permission to make an addition:

(i) Where the mill was located away from rail connections because it specialized in water-borne shipments, and has been forced to ship by rail because of a lack of water carrier facilities;

(ii) Where a mill's rail connections have been abandoned since December 7, 1941;

In these two cases a mill situated at a point not served by a railroad may make application to the Portland, Oregon, Office of the Office of Price Administration, for permission to charge the cost of trucking from mill to nearest rail loading point.

SEC. 5. *Delivered sales—(a) Standard shingles—(1) Rail shipment.* A delivered price in excess of the maximum f. o. b. car or f. o. b. truck prices set forth in section 4 may be charged consisting of such maximum prices plus a transportation addition computed on the estimated weights set forth below, and the railroad carload freight rate from actual rail shipping point to destination.<sup>1</sup> (The f. o. b. car or truck price and the amount added for transportation must be set forth as separate charges on the invoice.)

## ESTIMATED WEIGHTS—ALL SPECIES—GREEN OR DRY

Size of shingles:	Pounds
16" 5/2	144
18" 5/2	144
18" 5/2 1/4	158
24" 4/2	192

(a) To all points reached by a published railroad freight rate for Redwood lumber from Eureka, California based upon *board measure*, freight shall be computed, per square, at 1/12 of the freight rate per M'BM on Redwood lumber.

(b) To points to which there is no published freight rate on Redwood lumber per M'BM, the freight on Redwood Shingles shall be computed upon the Seattle, Washington, rate of freight on Red Cedar Shingles and the weights set forth in section 5 (a) (1).

(2) *Private truck.* When delivery is by truck owned or controlled by the seller the amount added for transportation up to and including six miles may be computed on a flat basis of six cents per square from mill loading point to point where truck is unloaded.

<sup>1</sup> Delivered prices on Redwood Shingles to destinations in the State of California shall be computed in the following manner:

For distances greater than six miles up to and including 40 miles the maximum addition shall be computed at one cent per mile per square from mill loading point to point where truck is unloaded.

For distances over 40 miles the maximum addition shall be the charge for the first 40 miles plus  $\frac{1}{4}$ ¢ per square per mile for the distance over 40 miles, but in no case may this total charge exceed the lowest common carrier freight charge based on carload or truck load rate.

No charge shall be made for the return trip in any case.

(3) *Common or contract carrier other than rail.* Where transportation is by common or contract carrier other than rail, the only rule is that actual costs of transportation paid by the seller may be added.

(b) *Other items.* On delivered sales of Western Softwood shingle "products" or accessory items (see section 3 (a) (2)) additions for truck transportation may be made to the approved "mill maximum" computed according to paragraphs (a) (2) or (a) (3) above, or, in the case of rail shipment, computed by multiplying the railroad carload freight rate from Seattle, Washington, to destination by the appropriate estimated weight given below:

Stained shingles, carton or bundle pack: Lbs.	
5/2—18" per square of 5" exposure	152
5/2—18" per square of 5½" exposure	152
5½—18" per square of 5½" exposure	168
4—24" per square of 7½" exposure	200
Stained machine processed shakes: 5½—18" per square of 14" exposure	60
Unstained machine processed shakes: 5½—18" per square of 14" exposure	60
Hip and ridge units:	
Dry per bundle of 40 units	15
Green per bundle of 40 units	22

## SEC. 6. ITEMS NOT SPECIFICALLY PRICED.

(a) If a seller wishes to sell an item, or grade or size which is not specifically priced in the price tables, or wishes to make an addition for specifications, services, or other extras for which additions are not specifically permitted, he must apply to the Lumber Branch, Office of Price Administration, Washington, D. C. for a maximum price. He must provide the following information:

- (1) The requested price;
- (2) A complete description of the item, practice or service for which approval is requested;

(3) The price differential between it and the most comparable item in the price tables, between October 1, 1941, and June 1, 1942, from the seller's own records, or if that is impossible, from the experience of the trade. If no established price differential which can be used for comparison existed, a detailed analysis of the calculation of the price should be furnished.

(b) As soon as the request has been filed, quotations and deliveries may be made at the requested price, but final payment may not be made or accepted until the price has been approved. Action on the request may be by letter or telegram.

## SEC. 7. WHAT THE INVOICE MUST CONTAIN—(a) BASIC PRICE.

All invoices must

contain a sufficiently complete description of the shingles to show whether the f. o. b. cars or f. o. b. truck price is proper or not. Any working, specification, or extra which affects the basic maximum prices must be mentioned in the description. The amount added for these does not have to be separately shown.

(b) *Charges for transportation.* In all delivered sales, the invoice must show the:

- (1) Point of origin of shipment;
- (2) Destination;
- (3) Rail rate, if estimated weights are used, otherwise the actual amount added for transportation;
- (4) The words "Direct-mill shipment".
- (c) *Delivery and related charges.* Any separate charge which the seller is permitted to make for truck delivery after rail haul, or for trucking to railhead, must be separately shown on the invoice.

**SEC. 8. Records and reports.** Every person, who, in the course of trade or business during any calendar month sells or delivers, or buys or receives \$1000 worth, or more, of Western softwood shingles, where the shipment originates at the mill, shall keep for inspection by the Office of Price Administration for a period of two years or for the duration of the Emergency Price Control Act of 1942, whichever is the shorter period, a complete and accurate record of every such purchase, sale, or delivery, showing the date thereof, the name and address of the other party to the transaction, the price paid or received, and the quantity of each kind or grade of Western softwood shingles involved in the sale or delivery.

**SEC. 9. Prohibited practices—(a) General.** Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars-and-cents prices is as much a violation of this regulation as an outright over-ceiling price. This applies to changes in credit practices and cash discounts and to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings and the like.

(b) *Specific practices.* The following are some of the specific practices prohibited:

(1) Getting the effect of a higher price by changing credit practices from what they were in October 1941. This includes decreasing credit periods or making greater charges for extension of credit.

(2) Grading as a special grade shingles which can be graded as a standard grade; or wrongly or falsely grading or invoicing.

(3) Making additions for special specifications, services, or other extras which are not specifically permitted.

(4) Refusing to sell on an f. o. b. mill basis, and insisting on selling on a delivered basis or vice versa.

(5) Failing to invoice properly and in accordance with the requirements of this regulation.

(6) Unnecessarily routing shingles through distribution yard or jobbers' outlets.

(7) Quoting a gross price above the maximum price, even if accompanied by a discount the effect of which is to bring the net price below the maximum.

(8) Making the buyer take something he does not want in order to get what he does want; for example, making a buyer who orders No. 1 take other grades.

(c) *Adding commission to ceiling prohibited.* It is unlawful for any person to charge, receive or pay a commission for the service of procuring (including buying, selling, or locating shingles, or for any related service such as "expediting") which does not involve actual physical handling if the commission plus the purchase price results in a total payment by the buyer of shingles which is higher than the maximum price of the shingles. For purposes of this regulation, a commission is any compensation, however designated, which is paid for the procurement of shingles. This prohibition has no application to the case of a bona fide employer-employee relationship where the employee serves only one employer, insofar as shingles procurement is concerned, and where the compensation paid by the employer is a fixed salary and is not based directly or indirectly on the quantity, price or value of the shingles in connection with which the service is rendered.

**SEC. 10. Enforcement.** (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for suspension or license provided for by the Emergency Price Control Act of 1942, as amended.

(b) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by this regulation. Persons who make sales covered by this regulation to war procurement agencies and buyers to whom lumber has been allocated by any such agencies are, however, subject to all the liabilities imposed by this regulation. "War procurement agencies" include the War Department, the Navy Department, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies.

**SEC. 11. Licensing.** The provisions of Licensing Order No. 1,<sup>1</sup> licensing all persons who makes sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

**SEC. 12. Applications for adjustment or petitions for amendment—(a) Government contracts.** See Procedural Regulation No. 6<sup>2</sup> for adjustment provisions on certain government contracts or subcontracts.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1<sup>3</sup> issued by the Office of Price Administration.

**SEC. 13. Adjustable pricing.** Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of shipment; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after shipment. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration having authority to act upon the pending request for a change in price or to give the authorization.

The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

This regulation shall become effective October 23, 1944.

**NOTE:** All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 18th day of October 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-16082; Filed, Oct. 18, 1944;  
11:44 a. m.]

**PART 1381—SOFTWOOD LUMBER**  
[MPR 253; Amdt. 7]

**REDWOOD LUMBER AND MILLWORK**

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation 253 is amended in the following respects:

1. In § 1381.412, Appendix A, Table 10, in its entirety, is deleted.
2. In § 1381.413, Appendix B, Table 23, in its entirety, is deleted.

This amendment shall become effective October 23, 1944.

Issued this 18th day of October 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-16081; Filed, Oct. 18, 1944;  
11:44 a. m.]

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 7 F.R. 9230, 10848; 8 F.R. 1139, 4136, 4720, 7197, 11479; 9 F.R. 5482.

<sup>2</sup> 9 F.R. 10476.

<sup>1</sup> 8 F.R. 13240.

<sup>2</sup> 9 F.R. 10628.

**TITLE 45—PUBLIC WELFARE****Chapter V—The President's War Relief Control Board****PART 501—SOLICITATION AND COLLECTION OF FUNDS AND CONTRIBUTIONS FOR WAR RELIEF AND WELFARE****MISCELLANEOUS AMENDMENTS**

1. The preamble of Title 45, Chapter V, Part 501 is superseded by the following paragraph:

Pursuant to the provisions of Executive Order No. 9205 of July 25, 1942 and the provisions of section 8 (b) of the Joint Resolution of Congress approved November 4, 1939, (54 Stat. 8, 11) the following regulations are hereby prescribed by The President's War Relief Control Board:

2. Section 501.3 is amended by inserting at the end of the first paragraph the following sentence:

In the case of any person conducting activities exempted from such registration, a written notice from the Board of such exemption shall be prima facie evidence that such activities do not constitute a violation of these regulations.

3. Section 501.4 (a) (4) is superseded by the following subparagraph:

(4) There is no avoidable conflict of national appeals for public support with the recognized campaigns of the United States Treasury, American Red Cross, the National War Fund and the Community Chests and other essential local charities;

4. Section 501.4 (a) is amended further by adding at the end thereof the following subparagraph:

(7) The applicant under the name used in its application for registration is not engaged in political action or propaganda and does not combine nor intend to combine political action or propaganda with its relief activities or with its relief appeals.

5. Section 501.7 (b) is superseded by the following paragraph:

(b) No registrant shall engage in activities other than those authorized in the notice of acceptance of registration or in a notice of acceptance of an amendment of registration.

6. Section 501.7 is amended further by adding after (c) the following paragraph:

(d) A notice of acceptance of registration and the authority conferred by such acceptance shall remain in force until terminated as provided in § 501.10.

7. Section 501.10 is superseded in its entirety by the following section:

**§ 501.10 Termination of registration.**  
(a) Any registration may be revoked or suspended upon a finding by the Board that:

(1) The registrant has failed to maintain compliance with the provisions of the law, the Executive Order, the regulations of the Board, or the conditions of the Board's acceptance of the application; or

(2) Under the provisions of the Executive Order, the registrant should be eliminated or merged with another agency or other agencies in the interest of efficiency or economy; or

(3) The registrant or the activities of the registrant no longer meet all of the requirements of § 501.4.

(b) Upon receipt of notice of such revocation or suspension, the registrant shall discontinue operations under or by virtue of its registration.

(c) Any registrant may relinquish registration voluntarily by written notice to the Board of its intention to discontinue operations under or by virtue of such registration after compliance with any requirements of the Board as to reporting or disposing of resources acquired or held under a valid notice of acceptance of registration.

Approved: October 11, 1944.

CHARLES P. TAFT,  
Acting Chairman.

[F. R. Doc. 44-16060; Filed, Oct. 18, 1944;  
9:45 a. m.]

**PART 501—SOLICITATION AND COLLECTION OF FUNDS AND CONTRIBUTIONS FOR WAR RELIEF AND WELFARE****RELATIONS WITH GOVERNMENT AGENCIES**

Section 501.5 is superseded by the following paragraph:

**§ 501.5 Relations with Government agencies.** All initial clearances with United States Government agencies or the public authorities of other nations, as to the acceptability of proposed relief or welfare projects, should be undertaken by registrants or applicants for registration only through, or after consultation with, the Board.

Approved: October 14, 1944.

CHARLES P. TAFT,  
Acting Chairman.

[F. R. Doc. 44-16061; Filed Oct. 18, 1944;  
9:45 a. m.]

**TITLE 46—SHIPPING****Chapter I—Coast Guard: Inspection and Navigation****AMENDMENTS TO THE REGULATIONS AND APPROVAL OF EQUIPMENT**

By virtue of the authority vested in me by R.S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544 (46 U.S.C. 375, 391a, 404, 481, 489, 367), and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following amendments to the regulations and approval of equipment are prescribed:

**Subchapter D—Tank Vessels****PART 33—LIFESAVING APPLIANCES EQUIPMENT: LIFEBOATS, LIFE RAFTS, AND BUOYANT APPARATUS**

Sections 33.3-1 (i), 33.3-2 (g) and 33.3-3 (c) (re hatchets in lifeboats) are

amended by changing the two effective dates in the last two sentences from 1 October, 1944, to 1 December, 1944. (See amendments published in FEDERAL REGISTER 30 August, 1944, 9 F.R. 10591.)

**Subchapter G—Ocean and Coastwise: General Rules and Regulations****PART 59—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (OCEAN)**

Section 59.11 (j) (re hatchets in life-boats) is amended by changing the two effective dates in the last two sentences from 1 October, 1944, to 1 December, 1944. (See amendments published in FEDERAL REGISTER 30 August, 1944, 9 F.R. 10591.)

**PART 60—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (COASTWISE)**

Section 60.9 (j) (re hatchets in life-boats) is amended by changing the two effective dates in the last two sentences from 1 October, 1944, to 1 December, 1944. (See amendments published in FEDERAL REGISTER 30 August, 1944, 9 F.R. 10591.)

**Subchapter H—Great Lakes: General Rules and Regulations****PART 76—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES**

Sections 76.14 (g) and 76.14a (c) (re hatchets in lifeboats) are amended by changing the two effective dates in the last two sentences from 1 October, 1944, to 1 December, 1944. (See amendments published in FEDERAL REGISTER 30 August, 1944, 9 F.R. 10591.)

**Subchapter I—Bays, Sounds, and Lakes Other Than the Great Lakes: General Rules and Regulations****PART 94—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES**

Section 94.13 (c) (re hatchet in life-boat) is amended by changing the two effective dates in the last two sentences from 1 October, 1944, to 1 December, 1944. (See amendments published in FEDERAL REGISTER 30 August, 1944, 9 F.R. 10591.)

**Subchapter J—Rivers****PART 113—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES**

Sections 113.22 (c) and 113.22a (b) (re hatchet in lifeboat) are amended by changing the two effective dates in the last two sentences from 1 October, 1944, to 1 December, 1944. (See amendments published in FEDERAL REGISTER 30 August, 1944, 9 F.R. 10591.)

**Subchapter O—Regulations Applicable to Certain Vessels and Shipping During Emergency****PART 153—BOATS, RAFTS, AND LIFESAVING APPLIANCES; REGULATIONS DURING EMERGENCY**

Sections 153.6a (a) (6), 153.6a (b) (8) and 153.7a (p) (re hatchets in lifeboats and life rafts) are amended by changing the two effective dates in the last two sentences from 1 October, 1944, to 1 December, 1944. (See amendments published in FEDERAL REGISTER 30 August, 1944, and 21 September, 1944, 9 F.R. 10591, 11611.)

## APPROVAL OF EQUIPMENT

## DISENGAGING APPARATUS FOR LIFEBOATS

Rottmer type releasing gear, Size B (Details Dwg. No. R-109, dated 21 April, 1944, revised 30 August, 1944) (Maximum working load of 10,300 pounds per hook, 20,600 pounds per set), submitted by the Lane Lifeboat and Davit Corporation, Foot of 40th Road, Flushing, N. Y.

Rottmer type releasing gear, Size C (Details Dwg. No. R-114, dated 7 July, 1944, correction 18 September, 1944) (Maximum working load of 13,530 pounds per hook, 27,000 pounds per set), submitted by the Lane Lifeboat and Davit Corporation, Foot of 40th Road, Flushing, N. Y.

## HATCHET FOR LIFEBOATS AND LIFE RAFTS

Hatchet for lifeboats and life rafts, No. 0 size, submitted by the Collins Company, Collingsville, Conn.

## LIFEBOATS

24' x 8' x 3.5' metallic oar-propelled lifeboat (403 cu. ft. capacity by the .6 rule, 34-person peacetime capacity, 26-person wartime capacity) (General Arrangement Dwg. No. G-126-CR, dated 20 July, 1944), submitted by C. C. Galbraith & Son, Inc., 99 Park Place, New York, N. Y.

24' x 7.75' x 3.33' metallic oar-propelled lifeboat (371 cu. ft. capacity by the .6 rule, 34-person peacetime capacity, 24-person wartime capacity) (General Arrangement Dwg. No. G-126-CR, dated 20 July, 1944), submitted by C. C. Galbraith & Son, Inc., 99 Park Place, New York, N. Y.

26' x 7.75' x 3.33' metallic oar-propelled lifeboat (403 cu. ft. capacity by the .6 rule, 435 cu. ft. capacity by the Stirling rule, 40-person peacetime capacity, 26-person wartime capacity) (General Arrangement Dwg. No. G-345, dated 24 August, 1944), submitted by C. C. Galbraith & Son, Inc., 99 Park Place, New York, N. Y.

## LIFE RAFT

15-person improved type life raft, wood construction with metal air tanks (Dwg. No. B-15, dated 2 June, 1944), submitted by Blairstraft, 3355 N. E. 73d Street, Portland, Oregon.

Dated: October 17, 1944.

L. T. CHALKER,  
Rear Admiral, USCG,  
Acting Commandant.

[F. R. Doc. 44-16074; Filed, Oct. 18, 1944;  
10:50 a.m.]

## Notices

## FEDERAL COMMUNICATIONS COMMISSION.

## ALBUQUERQUE BROADCASTING CO.

## ORDER STATING ADDITIONAL HEARING ISSUES

In re applications of Albuquerque Broadcasting Company (KOB), Albuquerque, New Mexico, for modification of construction permit (Docket No. 6584, File No. B5-MP-1738); for license to cover construction permit as modified (Docket No. 6585, File No. B5-L-1799) and authority to determine operating power by direct measurement (Docket No. 6585, File No. B5-Z-1583).

At a session of the Federal Communications Commission held at its offices in

Washington, D. C., on the 9th day of October, 1944;

The Commission having under consideration the motion filed September 8, 1944, by Albuquerque Broadcasting Company (KOB), Albuquerque, New Mexico, for enlargement of issues in the hearing on the above-entitled applications; Blue Network Company, Inc. (WJZ), New York City, opposition filed September 14, 1944 to the KOB motion for enlargement; and motion of Blue Network Company, Inc. (WJZ) to enlarge issues, and for continuance of hearing on the above-entitled applications; the opposition filed September 18, 1944, by Albuquerque Broadcasting Company (KOB) to the Blue Network motion to enlarge and for continuance; and Blue Network's reply thereto filed September 22, 1944, and the further statement of Albuquerque Broadcasting Company (KOB) with reference to the motion of Blue Network Company, Inc. (WJZ) for enlargement of issues and for continuance.

*It is ordered*, That said motions of Albuquerque Broadcasting Company (KOB), Albuquerque, New Mexico, and of Blue Network Company, Inc. (WJZ) for enlargement of issues in the hearing on the above-entitled applications, be, and they are hereby, granted in part so as to add to the issues heretofore designated to be determined, the following:

9. To determine the directional antenna patterns that Stations KOB and WJZ operating on 770 kc with 50 kw could use, each protecting the service of the other as a Class 1-B station in accordance with the Commission's rules, regulations and standards.

10. To determine what areas and populations would receive primary as well as secondary service from Stations KOB and WJZ each operating on 770 kc with 50 kw power employing a directional antenna designed to protect the service of the other as a Class 1-B station and what other service is presently available to those areas and populations.

*It is further ordered*, That insofar as the Blue Network Company, Inc. (WJZ) motion requests a continuance of the hearing on the above-entitled applications to February 12, 1945, said motion be, and it is hereby, denied.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 44-16044; Filed, Oct. 17, 1944;  
12:06 p. m.]

[Dockets Nos. 6676, 6046]

## WESTERN UNION TELEGRAPH CO.

## ORDER INSTITUTING INVESTIGATION

In the matter of The Western Union Telegraph Company. Charges for telegraph communications between the United States and Brazil, Docket No. 6676; in the matter of the investigation of the rates and charges applicable to communications between various points in the United States and various points

in the West Indies, Central America and South America, Docket No. 6046.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of October, 1944;

It appearing that The Western Union Telegraph Company has filed with the Commission tariff schedules to become effective November 1, 1944, stating new charges for telegraph messages in the commercial classifications from Brazil to the United States; said tariff schedules being designated as follows:

## THE WESTERN UNION TELEGRAPH COMPANY

F. C. C. No. 196

12th Revised Page 21

It further appearing that said tariff schedules state new charges for telegraph communications from Brazil to the United States which are contrary to the principles decided upon by this Commission in its report and order of June 22, 1943, in its Docket No. 6046; that the rights and interests of the public may be injuriously affected thereby; and it being the opinion of the Commission that the effective date of said schedules, insofar as they relate to charges for telegraph communications in the commercial classifications from Brazil to the United States, should be postponed pending hearing and decision on the lawfulness of such charges; and that the rates and charges and the related classifications, regulations and practices set forth in the presently effective tariff schedules of The Western Union Telegraph Company on file with the Commission, for and in connection with telegraph communication service between the United States and Brazil do not conform to the principles decided upon by this Commission in its report and order of June 22, 1943, in its Docket No. 6046;

*It is ordered*, That the Commission upon its own motion without formal pleading shall enter upon an investigation and hearing concerning the lawfulness of the charges set forth in the above-cited tariff schedules, insofar as such charges relate to telegraph communications in the commercial classifications from Brazil to the United States, and concerning the lawfulness of the rates and charges and the related classifications, regulations and practices set forth in the presently effective tariff schedules of The Western Union Telegraph Company on file with the Commission, for and in connection with telegraph communications between the United States and Brazil;

*It is further ordered*, That the operation of the above-cited tariff schedules insofar as they provide for new charges for and in connection with telegraph communications in the commercial classifications from Brazil to the United States, be suspended; that the use of the charges therein stated as applicable to such communications be deferred until February 1, 1945, unless otherwise ordered by the Commission, and that during said period of suspension no changes

shall be made in such charges or in the charges sought to be altered unless authorized by special permission of the Commission;

*It is further ordered,* That a copy of this order shall be filed in the office of the Federal Communications Commission with said tariff schedules herein suspended in part; that The Western Union Telegraph Company be, and it is hereby, made a party respondent to these proceedings; and that copies hereof be served upon each of the parties respondent in the proceedings in Docket No. 6046;

*It is further ordered,* That the proceedings herein be, and they are hereby consolidated with the proceedings in Docket No. 6046, and that Commissioner Ray C. Wakefield, who is authorized to conduct such proceedings as may be held in Docket No. 6046, be, and he is hereby, authorized to conduct the proceedings herein and to submit appropriate reports thereon;

*It is further ordered,* That a hearing with respect to the above matters be, and it is hereby, scheduled to begin at 10:00 a. m. on the 8th day of November, 1944, at the offices of the Commission in Washington, D. C.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 44-16043; Filed, Oct. 17, 1944;  
12:06 p. m.]

#### OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 4159]

PEMROKE CHEMICAL CORP.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Having found in Vesting Order Number 2587, dated November 17, 1943, that Metallgesellschaft, A. G., whose principal place of business is Germany, is a national of a designated enemy country (Germany);

2. Having determined in the aforesaid vesting order that Rotopulsor, A. G., and The Ore & Chemical Corporation are nationals of a designated enemy country (Germany) through being controlled by Metallgesellschaft, A. G., of Germany;

3. Finding that of the issued and outstanding capital stock of Pembroke Chemical Corporation, a corporation organized and doing business under the laws of the State of Florida and a business enterprise within the United States, consisting of 900 shares of nonassessable stock without par value, 355 shares (39.44%) are owned by The Ore & Chemical Corporation, and 35 shares (3.89%) are owned by Rotopulsor, A. G., and are evidence of control of Pembroke Chemical Corporation;

and determining:

4. That Pembroke Chemical Corporation is controlled by Rotopulsor, A. G., The Ore & Chemical Corporation and Metallgesellschaft, A. G., and is a national of a designated enemy country (Germany);

5. That to the extent that such nationals are persons not within a designated enemy

country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the 35 shares owned by Rotopulsor, A. G., of non-assessable stock without par value of Pembroke Chemical Corporation, hereinbefore more fully described, plus declared and unpaid dividends thereon, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on September 22, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 44-18062; Filed, Oct. 18, 1944;  
10:43 a. m.]

#### JULES DUPUIS AND MAGYAR CLUB, INC.

##### NOTICE OF SUMMARY PROCEEDING

In the matter of the claims of: Jules Dupuis, APC-1, Claim No. 2210, re Patent No. 2,351,940, vested by Vesting Order No. 317; Magyar Club, Inc., APC-1, Claim No. 910, re brown broadloom rug and lining, vested by Vesting Order No. 592.

The Alien Property Custodian having by the vesting orders above identified vested the above described property as property of nationals of a foreign country; and each claimant above identified having filed a notice of claim alleging that said claimant is the owner of the property described in each notice of claim respectively and that said claimant is not a national of a designated enemy country; and recommendation for allow-

ance of each of said claims having been submitted:

Notice is hereby given, pursuant to § 501.1 (h) of the Regulations of the Office of Alien Property Custodian (8 F.R. 16709), that copies of the said vesting orders, claims and recommendations are available for public inspection in Room 633, Office of Alien Property Custodian, National Press Building, 14th and F Streets, N. W., Washington, D. C., and that any person asserting any objection to allowance of the claims shall on or before October 28, 1944, file with the undersigned at the above address an application for a hearing accompanied by a statement of the reasons therefor.

The foregoing characterizations of the claims are for informational purposes only and shall not be construed to constitute an admission or an adjudication by the Office of Alien Property Custodian as to the nature or validity of the claims.

By authority of the Alien Property Custodian.

[SEAL]

VESTED PROPERTY  
CLAIMS COMMITTEE,  
JOHN C. FITZGERALD,  
Chairman.

Dated: October 14, 1944.

[F. R. Doc. 44-16066; Filed, Oct. 18, 1944;  
10:43 a. m.]

#### OFFICE OF PRICE ADMINISTRATION.

[Order 3 Under RO 9A]

##### NEW MEXICO

##### REMOVAL FROM EMERGENCY SHORTAGE AREA

It has been found that coal and wood are relatively scarce in New Mexico. It is, therefore, undesirable to limit applicants in that area to the acquisition of coal-wood heating stoves.

Accordingly, pursuant to the authority vested in the Director of the Fuel Division of the Office of Price Administration by section 2.3 (b) of Ration Order 9A,

*It is hereby ordered,* That the State of New Mexico is hereby removed, for the purpose of Ration Order 9A, from the emergency oil shortage area.

This order shall become effective October 18, 1944.

Issued this 17th day of October 1944.

FRED L. PARKER,  
Acting Director,  
Fuel Rationing Division.

[F. R. Doc. 44-16057; Filed, Oct. 17, 1944;  
4:04 p. m.]

[MPR 149, Order 37]

#### HARD RUBBER SLI BATTERY CONTAINERS, COVERS AND VENTS

##### ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1315.30a of Maximum Price Regulation 149, it is ordered:

(a) *Applicability of this order.* Notwithstanding any other provision of Maximum Price Regulation 149, this order is applicable to sales by manufacturers of the hard rubber SLI battery containers, covers, and vents referred to in paragraph (b) below.

(b) *Manufacturers' maximum prices for certain hard rubber SLI battery containers and battery parts—(1) Manufacturers' maximum prices for certain hard rubber SLI battery containers.* (i) The manufacturer's maximum price for a sale of any of the following hard rubber SLI battery containers, shall be as follows:

## SLI CONTAINERS

SEA container designation:	Maximum price per 1,000
S-8-B	\$606.00
S-10-B	670.00
S-10-C	687.50
S-13-B	818.00
S-16-B	888.00
S-16-C	920.00

(ii) The manufacturer's maximum price for a sale of a hard rubber SLI battery container listed in the SAE battery groups numbered I, II, and III which is not priced under (i) above, shall be 110% of his January 5, 1942, selling price.

(2) *Manufacturers' maximum prices for certain hard rubber SLI battery covers.* (i) The manufacturer's maximum price for a sale of any of the following hard rubber SLI battery covers, shall be as follows:

## SLI COVERS

SAE cover designation:	Maximum price per 1,000
S-8 gasket	833.00
S-10 gasket	36.50
S-8 soft rubber bushing	46.25
S-10 soft rubber bushing	48.50
S-8 lead bushing	56.50
S-10 lead bushing	59.00
S-8 combination	55.75
S-10 combination	56.75

(ii) The manufacturer's maximum price for a sale of a hard rubber SLI lead bushing cover not priced under (i) above, shall be 106% of his January 5, 1942, selling price.

The manufacturer's maximum prices for a sale of a hard rubber SLI battery gasket cover, soft rubber bushing cover, or combination lead and rubber bushing cover, which is not priced under (i) above, shall be 115% of his January 5, 1942, selling price.

(3) *Manufacturers' maximum prices for certain hard rubber SLI vents.* (i) The manufacturer's maximum price for the following hard rubber SLI vents shall be as follows:

## SLI VENTS

SAE vent designation:	Maximum price per 1,000
High-type, plug-baffle	\$9.65
Low-type, plug-baffle	12.40
Vent plugs, double baffle	16.80

(ii) The manufacturer's maximum price for a sale of a hard rubber SLI high or low type battery vent whose maximum price is not established by (i) above, shall be 115% of his January 5, 1942, selling price.

(c) *Definition of "January 5, 1942 selling price".* When used in this order, the

term "January 5, 1942, selling price" means the price stated in the manufacturer's schedule or price list in effect on that date, or a price which was regularly quoted by the manufacturer in any other manner on that date.

(d) All provisions of Maximum Price Regulation 149 not inconsistent with this order shall apply to sales covered by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 18, 1944.

Issued this 17th day of October 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-16056; Filed, Oct. 17, 1944;  
4:04 p. m.]

[Order 58 Under Order 375]

## DILLING COMPANY

## ADJUSTMENT OF MAXIMUM PRICES

## Correction

The word "Green", in the fifth line of paragraph (a), F. R. Doc. 44-14704, appearing on page 11777 of the issue for Tuesday, September 26, 1944, should read "Cream".

## Regional and District Office Orders.

[Region I Order G-16 Under SR 15, Amdt. 14]

## FLUID MILK IN MASSACHUSETTS

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation 15 to the General Maximum Price Regulation, as amended, by § 1351.807 of Maximum Price Regulation 280, and by § 1351.408 of Maximum Price Regulation 329; It is hereby ordered, That the first paragraph under paragraph (a) be amended and subparagraph 14 of paragraph (i) be added to read as set forth below:

(a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation and by § 1351.807 of Maximum Price Regulation 280 for fluid milk sold or delivered in the Massachusetts milk marketing areas, as defined below, and by § 1351.408 of Maximum Price Regulation 329 for fluid milk brought or received from producers in Region I for ultimate resale as fluid milk in such areas, are modified so that the maximum prices for such fluid milk shall be the prices specified in the applicable schedule below; except that, regardless of any other provisions of this order, the maximum prices for purchases or receipts of fluid milk, other than fluid milk regulated by Federal Milk Marketing Order No. 4 for the Boston market, by dealers f. o. b. receiving or processing plants in Vermont from producers whose farms are located in the state of New York and who did not actually ship

fluid milk into Massachusetts during the month of June 1944, shall be the maximum prices established by paragraph (f) of Order No. G-15 under Maximum Price Regulation No. 329 issued by the Regional Administrator for Region II of the Office of Price Administration on July 31, 1944, as amended by Amendment No. 1.

\* \* \*

(14) Amendment No. 14 shall become effective at 12:01 a. m. on October 1, 1944.

(56 Stat. 23, 765, 57 Stat. 566, Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 27th day of September 1944.

ELDON C. SHOUP,  
Regional Administrator.

Approved:

F. D. CRONIN,  
Regional Director,  
War Food Administration.

[F. R. Doc. 44-16048; Filed, Oct. 17, 1944;  
12:11 p. m.]

[Region I Order G-22 Under SR 15, Amdt. 5]

## FLUID MILK IN VERMONT

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation 15 to the General Maximum Price Regulation, as amended, by § 1351.807 of Maximum Price Regulation 280, and by § 1351.408 of Maximum Price Regulation 329; It is hereby ordered, That the narrative part of subparagraph (1) of paragraph (b) which precedes the list of localities and maximum prices be amended and that subparagraph (5) of paragraph (g) be added all to read as set forth below:

(b) \* \* \*

(1) The maximum prices for fluid milk bought or received from producers in Region I for ultimate resale as fluid milk in the localities in the state of Vermont specified below shall be as follows, except that for each  $\frac{1}{10}$  of 1% by weight by which the butterfat content of such fluid milk exceeds or is less than 3.7% by weight, the appropriate price to the producer shall be increased or diminished, as the case may be, by the butterfat differential announced for the applicable month for the Boston market by the Milk Administrator of the Greater Boston marketing area; Provided, however, That regardless of any other provisions of this order, the maximum prices for purchases or receipts of fluid milk, other than fluid milk regulated by Federal Milk Marketing Order No. 4 for the Boston market, by dealers f. o. b. receiving or processing plants in Vermont from producers whose farms are located in the state of New York and who did not actually ship fluid milk into Vermont during the month of June 1944, shall be the maximum prices established by par-

agraph (f) of Order No. G-15 under Maximum Price Regulation No. 329 is issued by the Regional Administrator for Region II of the Office of Price Administration on July 31, 1944, amended by Amendment No. 1.

(g) \*

(5) Amendment No. 5 shall become effective October 1, 1944 at 12:01 a. m.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of September 1944.

ELDON C. SHOUP,  
Regional Administrator.

Approved:

F. D. CRONIN,  
Regional Director,  
War Food Administration.

[F. R. Doc. 44-16047; Filed, Oct. 17, 1944;  
12:11 p. m.]

*Montgomery*  
Region IV, Rev. Order G-1 Under Gen.  
Order 50, Amdt. 1]

#### MALT AND CEREAL BEVERAGES IN ALABAMA

An accompanying opinion has been filed with the Division of the Federal Register. The price list in Appendix A to Revised Order G-1 is amended as follows:

1. The following brand or trade name with the maximum prices of 12 ounce and 32 ounce bottles thereof is added to Group 1-B under the appropriate columns:

Group 1-B—Brand or trade name	Maximum price per bottle	
	12 ounces	32 ounces
Lion.....	25¢	45¢

2. The following brand or trade name of imported beer with the maximum price thereof is added to Group 1-B under the appropriate column:

Group 1-B—Brand or trade name: Maximum price per bottle  
Cerveza Victoria..... 25¢

3. The following brand or trade name with the maximum prices for 12 ounce and 32 ounce bottles thereof is added to Group 2-B under the appropriate columns:

Group 2-B—Brand or trade name	Maximum price per bottle	
	12 ounces	32 ounces
Lion.....	10¢	40¢

4. The following brand or trade name of imported beer with the maximum price thereof is added to Group 2-B under the appropriate column:

Group 2-B—Brand or trade name: Maximum price per bottle  
Cerveza Victoria..... 22¢

5. The following brand or trade name with the maximum prices for 12 ounce

and 32 ounce bottles thereof is added to Group 3-B under the appropriate columns:

Group 3-B—Brand or trade name	Maximum price per bottle	
	12 ounces	32 ounces
Lion.....	18¢	35¢

6. The following brand or trade name of imported beer with the maximum price thereof is added to Group 3-B under the appropriate column:

Group 3-B—Brand or trade name	Maximum price per bottle	
	12 ounces	32 ounces
Cerveza Victoria.....	20¢	

This amendment shall be effective October 9, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong., E.O. 9250; 7 F.R. 7871; E.O. 9328, 8 F.R. 4681, G.O. 50, 8 F.R. 4808)

Issued this 6th day of October 1944.

A. H. COLLINS,  
District Director.

[F. R. Doc. 44-16053; Filed, Oct. 17, 1944;  
12:14 p. m.]

[Montgomery Order G-1 Under MPR 426, Revocation]

#### FRESH FRUITS AND VEGETABLES FOR TABLE USE IN MONTGOMERY, ALA., DISTRICT

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Montgomery District Office of the Office of Price Administration by section 2 (b) of Maximum Price Regulation No. 426, as amended, and Regional Delegation Order No. 16, It is hereby ordered:

Order Number G-1 issued by the Montgomery District Office under Maximum Price Regulation No. 426, as amended, is hereby revoked in all things.

This order is effective immediately.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; R.G.O. 51, 9 F.R. 408)

Issued this 7th day of September 1944.

A. H. COLLINS,  
District Director.

Approved:

JAMES H. PALMER,  
Regional Director,  
Office of Distribution,  
War Food Administration.

[F. R. Doc. 44-16052; Filed, Oct. 17, 1944;  
12:13 p. m.]

[Montgomery Order G-1 Under Supp. Order 94]

#### USED ARMY MOTORCYCLES IN MONTGOMERY, ALA., DISTRICT

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Montgomery District Office, Region IV, Office of Price Admini-

stration, by section 11 of Supplementary Order 94, and by Regional Delegation Order No. 59, issued by said Region IV pursuant to section 13 of Supplementary Order No. 94, it is hereby ordered:

SECTION 1. *What this order does.* This order establishes dollars-and-cents ceiling prices for all sales in the Montgomery District on both a warranted and on an as is basis at retail by private sellers of used Army motorcycles purchased from a government agency and particularly described in section two of this order. This order establishes in section three a pricing method for all sales in the Montgomery District on both a warranted and on an as is basis at retail by private sellers of used Army motorcycles, other than those particularly described in section two, which have been purchased from a government agency.

SEC. 2. *Maximum prices of designated makes and models.* The maximum prices for the used Army motorcycles, hereinbelow described, on a warranted and on an as is basis, shall be as follows:

	"As is"	"Warranted"
(1) Harley-Davidson: Piston displacement: 45 cubic inches.....	\$205.00	\$350.00
61 cubic inches (overhead valve).....	220.00	370.00
74 cubic inches (except overhead valve).....		
80 cubic inches.....		
(2) Indian: Piston displacement: 45 cubic inches.....	205.00	350.00
74 cubic inches.....	220.00	370.00

SEC. 3. *Maximum prices for other than designated makes and models.* The maximum prices for the sale of models and makes, other than those described in section two, and of those having a shaft drive shall be, in case of an as is sale, 50% and, in case of a warranted sale, 85% of the following:

(1) The suggested retail price of the motorcycle plus the current retail price of the extra equipment on the motorcycle at the time of resale; or

(2) If the suggested retail price of the motorcycle is not ascertainable, the cost of acquisition of the motorcycle and of the extra equipment to the Army.

SEC. 4. *Definitions.* (1) A "warranted" used Army motorcycle is one in good operating condition for which the seller furnishes to the purchaser the following warranty in writing:

#### SELLER'S WARRANTY

The used vehicle described below is hereby warranted to be in good operating condition and to remain in such condition under normal use and service for a period of thirty days after delivery, or 1000 miles, whichever first occur.

We agree if said vehicle is delivered during above period to our place of business to make, with reasonable promptness, any repairs or replacements which may be necessary to the good operating condition, in accordance with normal use and service, at a cost to the purchaser named below of not more than 50% of the normal charge for such repairs and replacements. Our normal charge is not in excess of O.P.A. ceiling.

This warranty does not extend to tires, tubes, paint, glass, saddles, or to any repairs or replacements made necessary by misuse, negligence or accident.

## FEDERAL REGISTER, Thursday, October 19, 1944

Make of Used Vehicle: \_\_\_\_\_ Model: \_\_\_\_\_  
 Date of Delivery: \_\_\_\_\_ Speedometer Reading: \_\_\_\_\_ Serial or Motor Number \_\_\_\_\_  
 Total Selling Price \_\_\_\_\_

Name of Seller Making Sale  
 Per \_\_\_\_\_  
 Name of Proper Representative thereof and title \_\_\_\_\_  
 Address \_\_\_\_\_  
 Name of Purchaser \_\_\_\_\_  
 Address \_\_\_\_\_

(2) A "private seller" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, that sells or delivers a used Army motorcycle purchased from a Government Agency, but does not include the United States Government or any agency thereof.

(3) "Government agency" means the United States Government or any agency thereof.

(4) "Sale at retail" means a sale or selling to an ultimate consumer.

(5) Other definitions. Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to the other terms used herein.

**SEC. 5. Relationship to other regulations.** This order supersedes the provisions of the General Maximum Price Regulation insofar as such provisions were applicable to sales at retail by private sellers of used Army motorcycles purchased from a Government agency.

This order may be revoked, amended, or corrected at any time by the District Director of the Montgomery District Office.

This order shall become effective immediately.

(56 Stat. 23, 765, 57 Stat. 566, Pub. Law 383, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681; SO 94, 9 F.R. 9415)

Issued this 5th day of October 1944.

A. H. COLLINS,  
 District Director.

[F. R. Doc. 44-16050; Filed, Oct. 17, 1944;  
 12:12 p. m.]

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**SECURITIES AND EXCHANGE COMMISSION.**

[File No. 70-816]

**AMERICAN LIGHT & TRACTION CO., ET AL.**

**NOTICE AND ORDER RECONVENING HEARING**

At a regular meeting of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 16th day of October, A. D. 1944.

In the matter of American Light & Traction Co., Michigan Consolidated Gas Co., American Production Co., American Michigan Pipe Line Co., Waverly Co.; File No. 70-816.

The Commission having, by orders dated December 20, 1943 and March 20, 1944, approved, among other things, the refunding of the outstanding funded debt and preferred stock of Michigan Consoli-

dated Gas Company, a subsidiary of American Light & Traction Company, a registered holding company, and having in such orders, and in a subsequent order dated September 5, 1944 releasing jurisdiction with respect to legal fees incurred in connection with the said financing, reserved jurisdiction with respect to a fee of \$30,000 for advisory services rendered to Michigan Consolidated Gas Company by Dillon, Read & Co. in connection with the various transactions;

It appearing to the Commission that the record is incomplete with respect to the reasonableness of the said fee for advisory services and that it is appropriate in the public interest and in the interest of investors and consumers that the hearing in said proceeding which has been continued subject to call of the trial examiner be reconvened;

*It is ordered,* That the hearing in said proceeding be reconvened on October 31, 1944 at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania in such room as may be designated on such day by the hearing room clerk. At such hearing particular attention will be directed to the necessity for the advisory services and the reasonableness of the proposed fee for such services in the amount of \$30,000. All persons desiring to be heard or otherwise wishing to participate in the proceedings should notify the Commission in the manner provided by Rule XVII of the Commission's rules of practice on or before October 28, 1944.

*It is further ordered,* That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose shall preside at the reconvened hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

*It is further ordered,* That notice of this hearing be given to American Light & Traction Company, Michigan Consolidated Gas Company and Dillon, Read & Co. by registered mail and to all other persons by publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBoIS,  
 Secretary.

[F. R. Doc. 44-16076; Filed, Oct. 18, 1944;  
 11:11 a. m.]

[File No. 70-882]

**NORTHERN INDIANA PUBLIC SERVICE CO.**

**NOTICE OF AN ORDER RECONVENING HEARING**

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of October 1944.

Northern Indiana Public Service Company, a subsidiary of Clarence A. Southerland and Jay Samuel Hartt, Trustees of the Estate of Midland Utilities Company, a registered holding company, having filed applications-declarations, as amended, pursuant to sections 6 (b) and 12 of the Public Utility Holding Com-

pany Act of 1935 and the rules and regulations promulgated thereunder, with respect to the refinancing of 220,078 shares of its cumulative preferred stock; and

The Commission having granted and permitted such applications-declarations, as amended, to become effective subject to the reservation of jurisdiction with respect to the proposed payment of \$20,000 to Stone & Webster and Blodget, Inc., and Harriman, Ripley & Co., Inc., for asserted financial services and advice, and expenses, as to which the record is incomplete; and

It appearing to the Commission that it is appropriate and in the public interest and the interest of investors and consumers that the hearing be reconvened for the purpose of completing the record with respect to said matter as to which jurisdiction has been reserved:

*It is ordered,* That the hearing on such matter under the applicable provisions of said act and the rules of the Commission thereunder be reconvened on the 10th day of November, 1944, at 10 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in room 318 will advise as to the room in which such hearing will be held. All persons desiring to be heard or otherwise wishing to participate in said proceeding should file with the secretary of the Commission, on or before November 8, 1944, his application therefor as provided in Rule XVII of the rules of practice of the Commission.

*It is further ordered,* That Henry C. Lank, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

*It is further ordered,* That at such hearing attention will be directed to whether the \$20,000 proposed to be paid to Stone & Webster and Blodget, Inc., and Harriman, Ripley and Co., Inc., for asserted financial services and advice, and expenses, was incurred for necessary services and is reasonable in amount.

*It is further ordered,* That notice of the hearing be given to Northern Indiana Public Service Company, Stone & Webster and Blodget, Inc., and Harriman, Ripley & Co., Inc., and to all other interested persons; said notice to be given to Northern Indiana Public Service Company, Stone & Webster and Blodget, Inc., and Harriman, Ripley & Co., Inc., by registered mail, and to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBoIS,  
 Secretary.

[F. R. Doc. 44-16077; Filed, Oct. 18, 1944;  
 11:11 a. m.]